FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART B—GENERAL COMPENSATION RULES

SPECIAL PROVISIONS

Paragraphs (b) and (c) of § 25.104 are redesignated as paragraphs (c) and (d). A new paragraph (b) is added as set out below. This new paragraph supplements § 36.1 (c) (2) which provides for retroactive effective dates of classification decisions after successful appeal from downgrading, where a classification error has been made, an appeal is filed within 30 days and the error is corrected through the appeal process. New paragraph (b) expresses the pay policy which goes along with the rule in § 36.1 (c) (2) that cancellation or correction of the personnel action and retroactive pay shall accompany the retroactive classification decision. Consequently, the new regulation is to be effective on the same date as § 36.1, which was March 30, 1952, or at such earlier date as the agency desired to put it into effect. As amended, § 25.104 reads as follows:

§ 25.104 *Special provisions.* (a) An employee promoted, repromoted or transferred to a higher grade between Classification Act positions or grades shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than one-step increase of the grade from which he is transferred or promoted, unless a higher rate is authorized under the provisions of § 25.103 (b). If there is no rate in such higher grade which is at least a one-step increase above his existing rate of basic compensation, he shall receive the maximum scheduled rate of such higher grade, or his existing rate, whichever is the higher.

(b) When a classification decision is made effective retroactively under § 36.1 (c) (2) of this chapter, corrective personnel action affecting the employee concerned shall be termed a cancellation or correction, as the case may be, of the original action of demotion and the employee concerned shall be entitled to retroactive pay in accordance with the terms of the corrective action.

(c) Under the authority of sections 1101 and 1105 (b) of the Classification Act of 1949, establishment of initial salary rates of basic compensation for employees who on an effective date specified by the Commission under section 1105 (b) of the Classification Act of 1949 occupy positions under that act which immediately prior to October 28, 1949, were exempt from the Classification Act of 1923, as amended (including positions in grade 9 of the professional and scientific service or in grade 16 of the clerical, administrative, and fiscal service referred to in section 13 of such act), shall be as follows:

(1) If the employee is receiving a rate of basic compensation less than the minimum scheduled rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(2) If the employee is receiving a rate of basic compensation within the range of salary prescribed for the grade in which his position is placed, at one of the rates fixed therein, no change shall be made in his existing rate.

(3) If the employee is receiving a rate of basic compensation within the range of salary prescribed for the grade in which his position is placed, but not at one of the rates fixed therein, his compensation shall be increased to the next higher rate.

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate for the grade in which his position is initially placed, no change shall be made in his existing rate.

(5) After salary rates have been initially established, an employee may subsequently receive an increase in compensation by reason of the operation of Titles V and VII, section 802 (b) of Title VIII, or Title X. An employee whose salary was initially established under the foregoing provisions in a position which is later changed to a lower grade without material change of duties and responsibilities, shall be paid at the rate he received immediately prior to the date his position became subject to the act, or at a higher rate authorized by the provisions of § 25.103.

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(6) The rate of basic compensation of a subsequent appointee to such position shall be fixed in accordance with the other applicable provisions in this subpart.

(d) If, by virtue of section 604 (b) (11) of the Classification Act of 1949, an employee is receiving a rate of basic compensation which is in excess of the appropriate new maximum rate of the grade of his position, he shall continue to receive not less than such rate so long as he remains in the same position and grade.

(1) The rate of basic compensation of a subsequent appointee to such position shall be fixed in accordance with the other provisions in this subpart.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52-10239; Filed, Sept. 18, 1952; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR SHELLED PECANS

On August 6, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 7150) regarding proposed United States Standards for Shelled Pecans.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice of rule making, the following United States Standards for Shelled Pecans are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.343 *Standards for shelled pecans*—(a) *General.* The pecan grading chart to which reference is made in paragraph (g) of this section is the pecan grading chart issued in 1952 by the United States Department of Agriculture. Such pecan grading chart is annexed [1] hereto and made a part hereof.

(b) *Grades*—(1) *U. S. No. 1 Halves.* U. S. No. 1 Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, chipped halves, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See size requirements for halves, paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(*b*) 20 percent, by weight, for chipped halves;

(*c*) 12 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(*d*) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

(2) *U. S. Commercial Halves.* U. S. Commercial Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, rancidity, mold, decay, and insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. (See size requirements for halves, paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(*b*) 15 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(*c*) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(3) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(*b*) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, external discoloration, internal discoloration, or other means.

(4) *U. S. Commercial Pieces.* U. S. Commercial Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, rancidity, mold, decay, insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

[1] The pecan grading chart was filed with these United States Standards for Shelled Pecans and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(b) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(c) *Unclassified.* Unclassified consists of shelled pecans which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements for halves.* The size of pecan halves may be specified in accordance with the size designations shown in Table I:

TABLE I

Size designation	Number of halves per pound [1]
Mammoth	200–250
Junior Mammoth	251–300
Jumbo	301–350
Extra Large	351–450
Large	451–550
Medium	551–650
Topper	651–750
Large Amber [2]	400 or less
Regular Amber [2]	More than 400

[1] The number of halves per pound shall be determined on the basis of the weight of the pecan halves after the broken kernels, particles and dust, and foreign material have been removed.

[2] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations specified in Table I, the size of pecan halves may be specified in terms of the number of halves per pound, as, for example, "400", or a range may be stated, as, for example, "600–700".

(2) *Tolerance for counts per pound.* In order to allow for variations incident to proper sizing, the following tolerance shall be permitted:

(i) When an exact number of halves per pound is specified, as, for example, "400", the actual number may vary from the specified number by not more than 5 percent.

(ii) When the size designations shown in Table I are used to specify size, or when a range is specified, as, for example, "600–700", no tolerance for counts above or below those specified shall be allowed.

(e) *Size requirements for pieces.* The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

Size designations	Maximum diameter (will pass through a sieve with round openings of the following diameters)	Minimum diameter (will not pass through a sieve with round openings of the following diameters)
	Inch	*Inch*
Extra Large		5/16
Large	5/16	5/16
Medium	5/16	5/16
Small	5/16	5/16
Midget	5/16	5/16
Regular Amber [1]		5/16
Small Amber [1]	5/16	5/16

[1] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters, expressed in sixteenths of an inch.

(2) *Tolerances for size of pieces.* In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(i) When the size designations "Extra Large", "Large", "Medium", "Small" and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter;

(ii) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than two-sixteenths inch in diameter; and,

(iii) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided*, That when a minimum diameter of two-sixteenths inch is specified, not more than 5 percent of the pieces may be less than two-sixteenths inch in diameter.

(f) *Application of tolerances.* The tolerances in these standards are on a lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers, in which the pecans are found to be materially inferior to those in the majority of the containers, shall be considered a separate lot.

(g) *Definitions.* (1) "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

(2) "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust or dirt.

(3) "Pieces of shell and center wall" means pieces of pecan shell, center wall and any other part of the pecan except the kernel. "Shell" means the hard outer covering of the nut exclusive of the softer, corky or papery material which occurs between the halves and within the grooves of the kernel.

(4) "Chipped half" means a pecan half-kernel which shows more than slight chipping or skinning of the outer, curved surface or the edge, but which does not have more than one-eighth of the original half-kernel missing. The presence or absence of the portion joining both halves of the complete kernel should be disregarded. Two chipped halves, each of which has one-eighth chipped or broken off, are illustrated in the lower right-hand corner of the pecan grading chart referred to in this section.

(5) "Broken kernels" means portions of half-kernels each of which is less than seven-eighths of a complete half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

(6) "Particles and dust" means fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

(7) "Noticeable shriveling" means any shriveling which more than slightly affects the appearance of the individual portion of kernel. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded.)

(8) "Rancidity" means that the portion of kernel is distinctly rancid to the taste.

(9) "Mold" means any mold growth which noticeably affects the exterior or interior of the portion of kernel.

(10) "Decay" means that the portion of kernel is putrid or decomposed.

(11) "Insect injury" means that the insect, web, or frass is present or that the portion of kernel shows other noticeable evidence of insect injury.

(12) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Leanness, when a portion of kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged are illustrated in the center of the upper row of the pecan grading chart referred to in this section;

(ii) Hollowness, when a cross-section of the portion of kernel shows more than a moderate hollowness, or the portion of kernel is not fairly firm and meaty. A half-kernel and cross-section showing moderate hollowness not considered damaged are illustrated in the upper right-hand corner of the pecan grading chart referred to in this section; and,

(iii) Discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(a) When the portion of kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart referred to in this section. Natural markings, including dark lines, specks, or mottling, shall not be considered as damage if the ground color is not too dark according to the chart;

(b) When there is more than one dark kernel spot on a portion of kernel, or when any spot is more than one-eighth inch in greatest dimension;

(c) When there is brownish or grayish material from the inside of the shell adhering to more than 5 percent of the surface; and,

(d) When internal discoloration is readily noticeable.

(13) "Fairly uniform in size" means that in a representative sample of 100 halves, from which broken kernels and particles and dust have been removed, the weight of the 10 largest halves shall

not be greater than twice the weight of the 10 smallest halves.

(14) "Fairly uniform in color" means that the variation in color of the pecan halves in a lot shall not be sufficient to materially detract from the appearance of the lot.

(15) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Shriveling, when materially affecting more than one-third of the portion of kernel. The maximum percentage of shriveling (one-third of the half-kernel) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart referred to in this section. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded);

(ii) Leanness, when a portion of kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart referred to in this section;

(iii) External discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(*a*) When the portion of kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart referred to in this section;

(*b*) When there are more than three dark kernel spots on a portion of kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel or piece of kernel;

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface; and,

(iv) Internal discoloration, when dark discoloration extends more than one-third the length of the center ridge of the portion of kernel or more than one-third the length of a piece of kernel which is detached from the center ridge.

(h) *Effective time.* The United States Standards for Shelled Pecans contained in this section and which supersede the United States Standards for Shelled Pecans effective November 1, 1938, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10249; Filed, Sept. 18, 1952; 8:56 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U. S. STANDARDS FOR GRADES OF DRIED CURRANTS [1]

On July 3, 1952 a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5998) regarding a proposed revision of the United States Standards for Grades of Dried Currants. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Dried Currants are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952):

§ 52.288 *Dried currants.* Dried currants are dried grapes of such Vinifera varities as Black Corinth that have been properly processed by stemming, capstemming, and cleaning.

(a) *Types (varieties) of dried currants.* (1) *Type I.* Zante type (domestic).

(2) *Type. II.* Other than Zante type (domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

(b) *Grades of dried currants.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 2 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(iii) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 2 percent, by weight, of dried currants may be damaged;

(v) Not more than 5 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than 1 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than ½ of 1 percent, by weight, of dried currants may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 2 percent, by weight, of dried currants may possess capstems;

(iii) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 3 percent, by weight, of dried currants may be damaged;

(v) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than 2 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of dried currants may be affected by decay.

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	Substandard
	Maximum count (per 16 ounces)		
Pieces of stem	2	3	----------
	Maximum (by weight) (percent)		
Currants with capstems	1¼	2	No limit.
Poorly developed, blowovers	1	1	...do.....
Damaged	2	3	...do.....
Visibly sugared	5	10	...do.....
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material	1	2	
	But not more than		
Decay	½	1	

(c) *Explanation of terms.* (1) A "piece of stem" means a portion of the branch or main stem.

(2) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(3) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(4) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the ap-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

pearance, edibility, keeping quality, or shipping quality of the currants.

(5) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the currant or on the surface which is readily apparent.

(6) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the currant appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(7) "Affected by insect infestation" means that the currants show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(d) *Work sheet for dried currants.*

Size of case or package			
Markings			
Label or brand			
Net weight			
Type			
Moisture content			
	A	B	82d
Similar varietal characteristics			
Color			
Flavor			
Development			
Defects	Maximum (per 16 ounces)		
Pieces of stem	2	3	
	(Maximum by weight) (percent)		
Currants with capstems	1½	2	No limit.
Poorly developed, blow-overs	1	2	Do.
Damaged	2	3	Do.
Visibly sugared	5	10	Do.
Mold, decay, fermentation, insect infestation, imbedded dirt, foreign material	1	2	
	But not more than		
Decay	½	1	
Grade			

(e) *Effective time and supersedure.* The revised United States Standards for Grades of Dried Currants (which is the second issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Dried Currants which have been in effect since August 15, 1943.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C. this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10248; Filed, Sept. 18, 1952; 8:56 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for Contracts for the 1950 and Succeeding Crop Years," as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694; 17 F. R. 2109, 5081, 5633), which shall continue in full force and effect for the 1952 crop year, are hereby amended for the 1953 and succeeding crop years to read as set forth below. The provisions of this subpart shall, until amended or superseded, apply to all continuous flax contracts as they relate to the 1953 and succeeding crop years.

Sec.
415.1 Availability of flax crop insurance.
415.2 Coverage per acre.
415.3 Premium rates.
415.4 Application for insurance.
415.5 The contract.
415.6 Public notice of indemnities paid.
415.7 Refund of excess note payments.
415.8 Creditors.
415.9 Changes in continuous contracts covering the 1952 and succeeding crop years.
415.10 The policy.

AUTHORITY: §§ 415.1 through 415.10 issued under secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73-75, as amended; 7 U. S. C. and Sup. 1507, 1508, 1509.

§ 415.1 *Availability of flax crop insurance.* (a) Flax crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided with respect to applications for flax insurance filed in a county unless such written applications, together with flax crop insurance contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 415.2 *Coverage per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 415.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 415.4 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Crop Insurance on Flax" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a flax crop. For any crop year applications shall be submitted to the county office on or before March 31 preceding such crop year.

§ 415.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 415.6 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 415.7 *Refund of excess note payments.* Refund of any excess note payment will be made only to the person who made such payment, except that where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 415.8 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 415.9 *Changes in continuous contracts covering the 1952 and succeeding crop years.* Continuous flax insurance contracts in effect for the 1952 and succeeding crop years shall be amended for 1953 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth herein.

§ 415.10 *The policy.* The provisions of the policy for 1953 and succeeding crop years are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

_____
(Name)

_____
(Policy)

_____
(Address)

_____ _____
(County) (State)

(hereinafter designated as the insured) against unavoidable loss of production on his flax crop due to drought, flood, hail, wind,

frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued ----------

FEDERAL CROP INSURANCE CORPORATION,

By ----------

State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured flax.* The flax to be insured shall be flax seeded for harvest as seed but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after seeding flax each year, the insured shall submit to the Corporation, on a form approved by the Corporation, a report over his signature of all acreage in the county seeded to flax in which he has an interest at the time of seeding. This report shall show the acreage of flax for each insurance unit and his interest in each at the time of seeding. If the insured does not have an insurable interest in flax seeded in any year, the acreage report shall nevertheless be submitted promptly after the seeding of flax is generally completed in the county. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after the seeding of flax is generally completed in the county, as determined by the Corporation.

(c) Failure of the Corporation to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage seeded to flax which is destroyed (as defined in section 16) and on which it is practical to reseed to flax, as determined by the Corporation, and such acreage is not reseeded to flax, or (b) any acreage initially seeded to flax too late to expect to produce a normal crop, as determined by the Corporation. The Corporation reserves the right to limit the insured acreage on any farm to the flax allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended.

5. *Insured interest.* The insured interest in the flax crop covered by the contract shall be the interest of the insured at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre established for the area in which the insured acreage is located shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and seeded to a substitute crop, (b) not harvested and not seeded to a substitute crop, or (c) harvested.

7. *Fixed price.* The fixed price per bushel for the first crop year of the contract shall be the price established for that year by the Corporation and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year the fixed price shall be on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which such price applies. The fixed price shall be used to determine the cash equivalent of premiums and of any indemnities.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the contract upon threshing or removal from the field, whichever occurs first, but in no event shall the insurance remain in effect later than October 31 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before December 31 preceding the seeding of the crop for which the cancellation is to become effective; provided, however, if any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended to the following closing date for filing applications for insurance. The insured shall give such notice to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on flax seeded or to be seeded in the county for harvest in the next calendar year unless subsequent to such cancellation he files an application for insurance on or before December 31 preceding such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date for filing applications for insurance the contract shall continue to be in force.

10. *Death or incompetence of the insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of seeding of the flax crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional flax seeded for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

11. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to December 31. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

12. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof); (c) seeding excessive acreage under abnormal conditions; (d) seeding perennial or biennial legumes or perennial grasses with the flax or in the growing flax crop; (e) seeding flax under conditions of immediate hazard; (f) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (g) breakdown of machinery, or failure of equipment due to mechanical defects; (h) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (i) domestic animals or poultry; or (j) theft.

13. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of flax, (2) the applicable premium rate(s) and (3) the insured interest in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured flax crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. (See Section 31 for definition of "Consecutively insured crops.") Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

(c) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his flax acreage report on or before June 30 of that crop year.

(d) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before October 31 following the maturity date (July 31), and an additional one percent on the principal amount unpaid at the end of each two calendar-month period thereafter.

14. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payment tendered shall not be regarded as paid unless collection is made.

(b) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of

maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) If any damage occurs to the insured crop during the growing season and a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office promptly after such damage.

(b) If a loss under the contract is sustained, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office within 15 days after threshing is completed or by October 31, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for indemnity if either of the notices required by this section is not given.

16. *Released acreage.* Any acreage of the insured flax crop which is destroyed after it is too late to reseed to flax may be released by the Corporation to be put to another use. Any acreage shall be considered destroyed if it is damaged to the extent that farmers in the area where the land is located generally would not further care for the crop or harvest any portion thereof. (For production to be counted, see section 20.) No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. Proper measures shall be taken to protect the crop from further damage on any insured acreage if the crop has been damaged but the acreage has not been released by the Corporation. Where released acreage is not put to another use, or is reseeded to flax, and flax is harvested from such acreage, the release may be disregarded by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire flax crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation form entitled "Statement in Proof of Loss", such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the production of flax on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any flax acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of flax in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of flax in the county owned by one person which is operated by the insured as a share tenant at the time of seeding, or (c) all the insurable acreage of flax in the county which is owned by the insured and is rented to one share tenant at the time of seeding. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the seeded acreage (exclusive of any acreage to which insurance did not attach) by the applicable bushel coverage per acre, (2) subtracting therefrom the total production to be counted for the seeded acreage, and (3) multiplying the remainder by the insured interest in such unit. However, if the seeded acreage on the insurance unit exceeds the insured acreage on the insurance unit, or if the premium computed for the seeded acreage is more than the premium computed for the acreage and interest as approved by the Corporation on the acreage report, the amount of loss so determined shall be reduced. This reduction shall be made on the basis of the ratio of the insured acreage to the seeded acreage except that the Corporation may elect to make the reduction on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the seeded acreage. The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage on which flax is threshed (exclusive of any acreage shown in item 2 below).	1. Actual production of flax which is threshed.
2. Acreage on which the Corporation determines that the threshed flax (i) is not eligible for a Commodity Credit Corporation loan because of the quality of the flax and would not meet these loan requirements if properly handled, and (ii) has a value per bushel which is less than the lower of the fixed price or the county loan rate for the lowest grade flax eligible for loan.	2. The number of bushels obtained by (i) multiplying the actual production by the value per bushel as determined by the Corporation, and (ii) dividing the result thus obtained by the lower of the fixed price or the county loan rate for the lowest grade flax eligible for loan.
3. Acreage released by the Corporation and planted to a substitute crop.	3. That portion of the appraised production which is in excess of the coverage.
4. Acreage not harvested and not seeded to a substitute crop.	4. That portion of the appraised production which is in excess of the number of bushels determined by subtracting (i) the coverage for such acreage from (ii) the coverage for such acreage if it were harvested.
5. Acreage put to another use without being released by the Corporation.	5. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre.
6. Acreage with reduced yield due solely to any cause(s) not insured against.	6. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any flax harvested.
7. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	7. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from an insurance unit is commingled with the production from another insurance unit or with production from uninsured acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured or (2) allocate all of the commingled production among the insurance unit(s) involved in such manner as it determines appropriate.

21. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any indemnity payment under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a flax crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract on the transferred interest by, within 15 days after the date of transfer, unless such time is extended in writing by the Corporation, (1) submitting to the county office such

information concerning the transfer as may be required by the Corporation and (2) making arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. In any case, the transferee and transferor shall be jointly and severally liable for the amount of the premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* If the insured dies, is judicially declared incompetent or disappears after the seeding of the flax crop in any year any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where the insured is paid by another Government agency for damage to the flax crop, the Corporation reserves the right to deduct from any indemnity the amount paid by such other agency.

25. *Subrogation.* The insured shall assign to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition, of all flax produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

28. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect the amount of the premium note, if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the flax crop whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the premium note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions in the application and policy, the Flax Crop Insurance Regulations for Continuous Contracts in effect for the crop year involved shall govern with respect to (1) minimum participation requirements, (2) closing dates for filing applications for insurance, (3) refund of excess note payments, and (4) creditors.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

(c) When the cancellation date or the closing date for filing applications falls on a Sunday or other day on which the county office is not officially open for business, such date shall be extended to the next business day.

31. *Meaning of terms.* (a) "Consecutively insured crops" means the flax crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's farm is located, shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (1) the failure to apply for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation that failure to apply for insurance for any crop year was due to the fact that flax was not seeded in that year.

(b) "Contract" means the accepted application for insurance and this policy.

(c) "County Actuarial Table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the price per bushel, the coverages per acre and the premium rates per acre applicable in the county.

(d) "County office" means the office of the County Production and Marketing Administration in the county unless another office is specified by the Corporation.

(e) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Harvest" means the mechanical severance from the land of matured flax for threshing where the flax crop has not been destroyed.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Substitute crop" means any crop, except biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of flax becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the flax or in the growing flax crop shall not be considered a substitute crop.

(i) "Tenant" means a person who rents land from another person for a share of the flax crop or proceeds therefrom produced on such land.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on September 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 15, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10221; Filed, Sept. 18, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

BILLING DATE; COMPUTATION OF 72-HOUR LIMITATION

Notice is hereby given of the approval by the Secretary of Agriculture of the amendment, as hereinafter set forth, to the rules and regulations (7 CFR 951.100 et seq.; Subpart—Rules and Regulations) of the Industry Committee, established under the marketing agreement, as amended, and Order 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid amendment defines the term "billing date," as used in §§ 951.60 through 951.68 of the said amended marketing agreement and order, so as to give recognition to recent revisions in

railroad freight schedules. Under regulations pursuant to the provisions of §§ 951.60 through 951.68 of the said amended marketing agreement and order, grapes held at railroad assembly points are released for continued shipment by the Industry Committee in the order of priority of billing date which currently corresponds to a particular calendar day. The revised railroad freight schedules provide expedited service on cars of grapes billed prior to 8:00 p. m. of a particular day over cars of grapes billed on or after 8:00 p. m. of such day. Since such regulations are designed to regulate the flow of shipments of Tokay grapes, the term "billing date" should be redefined to permit the release of cars of grapes billed prior to 8:00 p. m. of a particular day at an earlier time than those cars of grapes that are billed on or after 8:00 p. m. of such day. The provisions of the amended marketing agreement and order specifically authorize, in subparagraph (5) of § 951.60 (e), changes in the meaning of the term "billing date" to reflect such additional conditions as may develop.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: Volume shipments of Tokay grapes are now being made; such shipments are currently subject to grade and size limitation (17 F. R. 7774) under this program; it may become necessary, in accordance with the requirements of § 951.62 of the amended marketing agreement and order, to limit in the immediate future, the total daily shipments of such grapes in order to effectuate the declared policy of the act; and this amendment should be effective prior to any such limitation of daily shipments so as to maintain equity between handlers of grapes in accordance with the revised railroad freight schedules.

The amendment of the aforesaid rules and regulations, effective upon issuance hereof, is as follows:

1. Delete § 951.107 *Billing date* and insert, in lieu thereof, the following:

§ 951.107 *Billing date.* As provided in § 951.60 (e) (5), "billing date" means (a) with reference to grapes in a railroad car shipped to a railroad assembly point but not precooled at such point, the date shown on the bill of lading if such bill of lading was issued prior to 8:00 p. m. of that date; (b) with reference to grapes in a railroad car shipped to a railroad assembly point but not precooled at such point, one calendar day after the date shown on the bill of lading if such bill of lading was issued on or after 8:00 p. m. of that date; (c) with reference to grapes in a railroad car shipped to a railroad assembly point and precooled at such point, one calendar day after the date shown on the bill of lading if such bill of lading was issued prior to 8:00 p. m. of that date; (d) with reference to grapes in a railroad car shipped to a railroad assembly point and precooled at such point, two calendar days after the date shown on the bill of lading if such bill of lading was issued on or after 8:00 p. m. of that date; and (e) with reference to a car of grapes or the equivalent thereof at a cold storage assembly point, the second calendar day subsequent to the day of actual delivery of such grapes at such point, and any car of grapes which were received at the cold storage assembly point in diverse quantities shall have its billing date computed as the second calendar day subsequent to the day the last package of said car is delivered to the cold storage assembly point.

2. Delete § 951.131 *Computation of 72-hour limitation* and insert, in lieu thereof, the following:

§ 951.131 *Computation of 72-hour limitation.* The time that a car of grapes is held at a railroad assembly point, within the meaning of § 951.65 (d), shall be computed from the time that said car could have departed from said assembly point under then current railroad freight schedules. No car of grapes eligible for release shall be held at a railroad assembly point longer than 72 hours.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 951.60 (e) (5))

Done at Washington, D. C., this 15th day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10223; Filed, Sept. 18, 1952; 8:50 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

BUDGET OF EXPENSES FOR MARKETING SEASON BEGINNING AUGUST 1, 1952, AND RATE OF ASSESSMENT

Notice of proposed rule making, with respect to a budget of expenses of the Hop Control Board for the marketing season beginning August 1, 1952, and rate of assessment, was published in the FEDERAL REGISTER of August 20, 1952 (17 F. R. 7602), pursuant to provisions of Marketing Agreement No. 107, as amended, and Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of the order contained herein until thirty (30) days after publication in the FEDERAL REGISTER, for the reasons that (1) handling of hops of the 1952 crop is about to begin and all hops of such crop handled are to be subject to the assessment rate set forth herein, and (2) the order herein will require no special preparation by handlers or the Hop Control Board.

The approval of the order set forth herein does not constitute approval of the payment by the Hop Control Board of any salary or wage which is not in compliance with the regulations of the Wage Stabilization Board.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Hop Control Board and rate of assessment shall be as follows:

§ 986.303 *Budget of expenses for the marketing season beginning August 1, 1952, and rate of assessment*—(a) *Budget of expenses.* Expenses in the amount of $154,450 are reasonable and likely to be incurred by the Hop Control Board (including but not limited to the Growers Allocation Committee and the several Growers Advisory Committees) for its maintenance and functioning during the marketing season beginning August 1, 1952; and

(b) *Rate of assessment.* The rate of assessment for the marketing season beginning August 1, 1952, shall be four-tenths (4/10) of a cent per pound, net dry weight, of hops handled, and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73 of said amended agreement and order.

(Sec. 5, 49 Stat., as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of September 1952, to become effective upon the publication of this document in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10224; Filed, Sept. 18, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

This supplement was necessitated by the revision of Part 1 to supersede Part 2 and sections of Part 43. It consists of rules, policies, and interpretations issued by the Civil Aeronautics Administration relating to aircraft type, production, and airworthiness certification; aircraft and aircraft product identification; and aircraft nationality and registration marks. The proposed rules were published on November 17, 1951, in 16 F. R. 11697; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration was given to all relevant matter presented. The following rules, policies, and interpretations are hereby adopted.

TYPE CERTIFICATES

Sec.
1.10–1 Application for type certificate.
1.11–1 Appliances.
1.12–1 Requirements for issuance of type certificates.
1.14–1 Transferability.
1.15–1 Inspection.
1.19–1 Statement of conformity.

CHANGES IN TYPE DESIGN

1.20–1 Changes in type design.

PRODUCTION CERTIFICATES

1.30–1 Production Certificate.
1.30–2 Submitting application.
1.30–3 Processing application.
1.32–1 Issuance of a production certificate.
1.32–2 Production certification requirements.
1.33–1 Location of manufacturing facilities.
1.34–1 Quality control.
1.35–1 Statement of conformity.
1.36–1 Data required from prime manufacturer.
1.37–1 Data required from subsidiary manufacturers.
1.38–1 Modification of required data.
1.39–1 Multiple products.
1.40–1 Production limitation record.
1.41–1 Modifying a production limitation record.
1.42–1 Transferability.
1.43–1 Inspection by CAA representative.
1.44–1 Duration.
1.45–1 Display.

AIRCRAFT AND PRODUCT IDENTIFICATION

1.50–1 Identification.

AIRWORTHINESS CERTIFICATES

1.60–1 "Registered owner."
1.60–2 Application form.
1.60–3 Processing application.
1.60–4 Airworthiness certificates.
1.61–1 Airworthiness certificate classifications.
1.62–1 Changing airworthiness classification.
1.64–1 Duration of airworthiness certificate.
1.65–1 Display of airworthiness certificate.
1.69–1 Issuance of restricted airworthiness certificates.
1.70–1 Issuance of multiple airworthiness certificates.
1.71–1 Issuance of limited airworthiness certificates.
1.72–1 Procedure to be followed for recertification in the "limited category."
1.73–1 Experimental airworthiness certification.
1.74–1 Requirements for the issuance of experimental airworthiness certificates.
1.74–2 Additional information.
1.74–3 Certification of amateur-built aircraft.
1.75–1 Special flight permits.
1.76–1 Application for permit.
1.76–2 Airworthiness.
1.76–3 Flight restrictions.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

1.101–1 Assignment of registration numbers.
1.108–1 Identification marks for nonconventional aircraft.

AUTHORITY: §§ 1.10–1 to 1.108–1 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553.

TYPE CERTIFICATES

§ 1.10–1 *Application for type certificate (CAA rules which apply to § 1.10)*—(a) *Application for aircraft type certificate, Form ACA–312.*[1] (1) This application shall be submitted in duplicate by the applicant to the appropriate regional office of the Civil Aeronautics Administration.

(2) The application shall be accompanied by a three-view drawing and such preliminary basic data as the applicant may have available.

(b) *Application for an engine type certificate, Form ACA–312.*[1] This application shall be submitted in duplicate, together with preliminary technical data as required by Part 13 of this subchapter, to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(c) *Application for a propeller type certificate, Form ACA–312.*[1] (1) This application, together with Form ACA–335,[1] propeller supplement to application for type certificate, ACA–312, shall be submitted in duplicate to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(2) The Form ACA–335 shall contain a description of the design features, the proposed rating, and intended application of the propeller.

(3) The preliminary data as required in Part 14 of this subchapter, and the application forms shall be submitted prior to starting any portion of the official type test.

NOTE: The application, Form ACA–312, serves as a formal request by the applicant and shall be submitted for each new model eligible for approval under the terms of a type certificate.

§ 1.11–1 *Appliances (CAA policies which apply to § 1.11).* Inasmuch as Part 15 of this subchapter has been rescinded, that portion of § 1.11 relating to "appliances" may be considered as no longer applicable. Appliances formerly covered by Part 15 of this subchapter are now covered by Technical Standard Orders. Likewise, items formerly approved under a Product and Process Specification, have, for the most part, been covered by Technical Standard Orders. Those items formerly covered by Product and Process Specifications which as yet are not approved under the Technical Standard Order system should be approved as a part of the airplane. (Procedures relating to the type certification of communications equipment are contained in CAM 16.)

§ 1.12–1 *Requirements for issuance of type certificates (CAA policies which apply to § 1.12).* (a) The requirements for the issuance of a type certificate for an aircraft may be found in the following parts of this subchapter:

(1) Part 3—Airplane Airworthiness; Normal, Utility, Acrobatic and Restricted Purpose Categories.

(2) Part 4a—Airplane Airworthiness.

NOTE: Applies to new airplanes for which application for type certificate was received prior to the effective dates prescribed in Part 3 of this subchapter, dated November 1, 1949, and Part 4b of this subchapter, dated October 1, 1949.

(3) Part 4b—Airplane Airworthiness; Transport Categories.

(4) Part 5—Glider Airworthiness.

(5) Part 6—Rotorcraft Airworthiness.

(6) Part 8—Aircraft Airworthiness; Restricted Category.

(7) Part 9—Aircraft Airworthiness; Limited Category.

(8) Part 13—Aircraft Engine Airworthiness.

(9) Part 14—Aircraft Propeller Airworthiness.

(10) Part 16—Aircraft Radio Equipment Airworthiness.

§ 1.14–1 *Transferability (CAA interpretations which apply to § 1.14).* The CAA and the manufacturer to whom the type certificate is issued are the first and second persons involved, and any other person to whom the type certificate holder may transfer privileges incidental to the type certificate is the "third person."

§ 1.15–1 *Inspection (CAA policies which apply to § 1.15)*—(a) *Complete aircraft.* (1) In addition to the inspection of the prototype aircraft for conformity with the design data, all aircraft subsequently produced without benefit of a production certificate will be subjected to conformity inspection by a representative of the Administrator to determine conformity with the type design.

(2) Aircraft manufactured under a type certificate only should be flight tested in accordance with requirements contained in § 1.19, and in accordance with procedures outlined in § 1.36–1 (d).

(b) *Complete engines.* Each engine produced under the terms of a type certificate only should be subjected to a satisfactory test run consisting of break-in runs which should include a determination of fuel and oil consumption and maximum power characteristics. This test run should include five hours of operation at the maximum rating, of which at least thirty minutes should be at take-off power and speed where this rating is in excess of the maximum continuous rating. Subsequent to the completion of a test run, as described in this paragraph, each engine should be subjected to such internal inspections and examinations by a CAA representative as may be necessary to ascertain that no unsafe condition exists. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller.

(c) *Complete propellers and appliances.* The nature and extent of functional or other tests and conformity inspections required in connection with the approval of propellers and other appliances manufactured under the terms of a type certificate only will be determined by a representative of the Administrator and will depend upon the nature and complexity of the product and production processes involved.

(d) *Inspection approval of complete products.* When products other than complete aircraft or communications equipment (individual airworthiness certificates are issued for aircraft) are manufactured under the terms of a type certificate only, the Aviation Safety Agent, having determined by inspection that the product is acceptable, will prepare and attach thereto, by means of a lead seal, an Approval Tag, Form ACA 186. This tag will show the make and model of the product tagged, will indicate that the product has been inspected

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

and approved, and will be signed by the CAA Agent.

(e) *Shipment of unassembled aircraft.* Aircraft manufactured under a type certificate only; i. e., without benefit of a production certificate, may be shipped unassembled, provided: (1) The aircraft is assembled and flight tested by the manufacturer prior to shipment; (2) the aircraft is inspected for conformity and airworthiness by an Aviation Safety Agent at the manufacturer's plant; and (3) Approval Tags, Form ACA 186, are attached to all major assemblies, components, and boxes of parts. These tags will be signed by the Aviation Safety Agent and will indicate the make, model, and serial number of the aircraft.

(f) *Inspection approval of major components.* Likewise, any major spare or replacement component of an aircraft, aircraft engine, propeller, or appliance manufactured under a type certificate only will be inspected for conformity and airworthiness by an Aviation Safety Agent. All such major assemblies or components, upon determination of acceptability, will be tagged with Approval Tags, Form ACA 186, which identify the part to which attached and indicate the make and model of the aircraft, engine, propeller, etc., and the Aviation Safety Agent's signature.

(g) *Inspection approval of major components fabricated by a subsidiary manufacturer.* The conformity, quality, and acceptability of major components and critical parts manufactured by a subsidiary manufacturer in accordance with the prime manufacturer's approved drawings will be determined in accordance with § 1.34–1 (a) (2), except that, in accordance with § 1.15, an agent of the CAA will conduct such additional inspections as may be deemed necessary to determine conformity, compliance, and acceptability of materials and workmanship.

§ 1.19–1 *Statement of conformity (CAA rules which apply to § 1.19).* The manufacturer of any prototype product presented for type certification, or the manufacturer of a type certificated product manufactured without the benefit of a production certificate, shall present to a representative of the Administrator a properly executed Statement of Conformity, Form ACA 317.[2] The Statement of Conformity, Form ACA 317, shall certify that the completed product submitted for type inspection or certification has been manufactured in accordance with the current technical data approved by the Administrator, except for any deviations therefrom which shall be listed and described on the form. The Statement of Conformity shall be signed by a person who holds a responsible position in the manufacturer's organization and who has been authorized to perform this function by the holder of the type certificate or licensing agreement.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

CHANGES IN TYPE DESIGN

§ 1.20–1 *Changes in type design (CAA policies which apply to § 1.20).* Any design change which may affect the flight characteristics, structural integrity, or airworthiness of an aircraft, engine, propeller, or appliance for which a type certificate has been issued may require the submission of additional technical data. The examination of these data may indicate the necessity for additional engineering evaluation, inspection, and tests to substantiate the airworthiness of the product as modified.

PRODUCTION CERTIFICATES

§ 1.30–1 *Production certificate (CAA interpretations which apply to § 1.30).* A production certificate is a document issued by the Administrator to a manufacturer certifying that the manufacturer's organization, facilities, and production and quality control systems in a particular location have been inspected by the CAA and found adequate for the production of duplicates of the product for which a type certificate has been issued.

§ 1.30–2 *Submitting application (CAA rules which apply to § 1.30).* The application for a Production Certificate, Form ACA 332,[1] shall be submitted, in duplicate, to the appropriate regional office of the Civil Aeronautics Administration. The data required in § 1.36 shall be submitted with the application.

§ 1.30–3 *Processing application (CAA policies which apply to § 1.30).* Upon receipt of an application and supporting production certification data (see § 1.36), the CAA will examine these data, and if they are considered satisfactory, issue a Manufacturing Inspection Authorization, Form ACA 313, authorizing an inspection of the applicant's facilities, organization, and systems to determine their adequacy for the production of duplicates of the product. If the application and supporting data submitted are not considered satisfactory, the CAA will so notify the applicant, and request supplemental information or data, as required, prior to issuing the manufacturing inspection authorization. Upon issuance of the manufacturing inspection authorization, an agent will be assigned to conduct the required inspection and report the results thereof on the Manufacturing Inspection Report, Form ACA 314.

§ 1.32–1 *Issuance of a production certificate (CAA policies which apply to § 1.32).* Upon receipt of an approved Manufacturing Inspection Report, Form ACA 314, from the Aviation Safety Agent who conducted the inspections, the CAA will issue a Production Certificate, Form ACA 333, together with a Production Limitation Record, Form ACA 333a. The original of the production certificate and the original of the production limitation record will be delivered to the applicant.

§ 1.32–2 *Production certification requirements (CAA policies which apply to § 1.32).* The following provisions are considered a minimum in determining the eligibility of a manufacturer for a production certificate and are intended to be used by the Aviation Safety Agent as a guide in conducting the factory inspection:

(a) *Materials and parts.* The manufacturer should have reliable sources for obtaining materials and parts which are uniform in quality and suitable for aircraft construction.

(b) *Purchasing.* The manufacturer's method of purchasing should be such as to provide a check on the suitability of the materials received. Recognized specifications should be used as a basis for purchase orders when possible. The specification should be sufficiently detailed and comprehensive to insure procurement of material of a uniformly high grade, equaling or exceeding the minimum strength properties assumed in the structural design data approved by the CAA.

Deviations from this procedure may be made under the following conditions:

(1) The manufacturer may use materials, subassemblies, and essential components obtained from a supply source specializing in the manufacture of aircraft material and parts. In this case, he should ascertain that the supply source is following the procedures outlined in this paragraph, and should require copies of the applicable verified test and inspection reports with his purchases.

(2) Manufacturers may establish their own specifications, provided these are submitted to the appropriate CAA regional office for approval.

(c) *Records of purchases.* The manufacturer should maintain complete records of all purchases and the disposition of such purchases for a period of at least two years to enable him to check back on any particular lot of material in which defects may later be found.

(d) *Records of inspection.* The manufacturer should have an established procedure for the inspection of all purchases before placing them in the stockroom. Records of all incoming inspections should be maintained by the manufacturer for at least two years. They should include information concerning source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with recognized aircraft standards and disposition of materials handled.

(e) *Stockroom.* The manufacturer should maintain a clean, orderly, and carefully managed stockroom and have:

(1) An adequate number of shelves, bins, or other individual storage spaces which are properly marked;

(2) Provisions for keeping records in an orderly manner;

(3) Boundaries defined by partitions with a designated opening through which all stock is issued in order to prevent access to the stock by unauthorized personnel;

(4) A responsible person in charge of all entries, storing, withdrawals and an appropriate system for recording them;

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(5) All stock in designated places, except temporarily during sorting and inspection;

(6) No material or parts stocked which are known to be defective or damaged, even though they may be so marked.

There is no objection to combining toolroom with stockroom.

(f) *Identification of stock.* Provisions should be made for the appropriate storing and identification of incoming material and parts or manufactured parts in such a manner as to preclude the inadvertent issuing of the wrong part or material. Particular attention should be given to the segregation and identification of items of a similar appearance but with different physical characteristics.

(g) *Protection of stock.* Adequate protection should be provided for materials subject to damage from abrasion, sunlight, temperature, moisture, grease, or corrosion.

(h) *Production.* (1) Production control procedures should be established to insure proper routing of materials and parts for inspection. Suitable means should be provided for identifying parts or materials as they progress through the factory. This could be a production job card which specifies materials to be used, processing flow, and specific inspection operations, and provides a place for recording the completion of each of these operations. This card should accompany the part or assembly through all its stages of operation and will be a complete record of production, inspection, and processes involved.

(2) It is realized that equivalent procedures may be employed and these are acceptable provided the control is adequate to preclude unfinished, inferior, or damaged parts being installed in the completed products.

(i) *Facilities.* (1) The manufacturer's facilities should be adequate to produce units in conformity with the technical design data for which the type certificate is granted.

(2) Accommodations should be provided which will adequately protect both the facilities and the product during fabrication. Provisions should be made to isolate processes which adversely affect or may be affected by other operations.

(3) The amount and type of equipment required will depend upon the complexity of the product and the rate and volume of production.

(j) *Processes.* (1) Production manufacturing processes such as woodworking, gluing, welding, heat treatment, metal work, etc., employed by the applicant, should be so controlled as to produce parts and assemblies which are equivalent to the original approved product.

(2) In addition to controlling manufacturing processes, a definite procedure should be established and followed in connection with each process employed so that conformity of material, workmanship, and standards is maintained.

(i) Woodworking: Provisions should be made to maintain the moisture content of wood within approved limits during fabrication. (Ref. ANC 19a, "Wood Aircraft Inspection and Fabrication.")

(ii) Gluing: Gluing operations should be performed in accordance with a process specification found to be acceptable.

(iii) Welding and brazing: When a welding or brazing process such as flash welding or induction brazing requires close control in order to consistently produce acceptable parts, the process should be performed in accordance with a process specification found to be acceptable.

(iv) Heat treatment: Under the category of heat treatment come all processes for the conditioning of metals by heat; such as hardening, tempering, annealing, normalizing, etc., of both ferrous and nonferrous metals. Rigid procedures should be established to control heat-treat operations in order to assure that desired properties are obtained. In the event parts are heat-treated by an outside agency, it is the responsibility of the production certificate holder to determine the adequacy of such agency, and the acceptability of the results.

(v) Metal work: The fabrication of metal parts by various forming and machining operations should be controlled by the observance of approved standards to attain the surface finishes which are indicated on approved drawings, regular contours, etc., required in metal structures.

(k) *Quality control.* For additional "requirements for issuance," as provided for in § 1.32, see requirements for "quality control" as provided for in § 1.34–1.

§ 1.33–1 *Location of manufacturing facilities (CAA policies which apply to § 1.33).* Subsidiary manufacturers' facilities should be located within the United States, since it is not feasible to conduct the required inspections beyond these limits without placing undue burden on the CAA.

§ 1.34–1 *Quality control (CAA policies which apply to § 1.34).* The following shall be considered as a minimum in determining the acceptability of the manufacturer's quality control system as provided for in § 1.34:

(a) *Inspection system.* The activities of the aircraft industry are of such number and variety that it is impracticable, within the scope of this manual, to give more than a general outline of the manner in which an approved inspection organization should operate.

(1) *Inspection—prime manufacturer.* (i) The prime manufacturer's inspection organization should be controlled by a chief inspector who, in turn, should be directly responsible to the management of the firm so that his decisions are not influenced by considerations other than the quality of the work for which he is responsible. It is also essential that the chief inspector control inspection through all departments of the firm. If such an arrangement is not possible by reason of the fact that certain departments are engaged in specialized work, these departments should operate under a separate inspection system. However, their activities should be coordinated under the general supervision of a quality control organization. The same procedure should apply in the case of dispersed or branch facilities of a main organization when inspection activity is divided.

(ii) The inspection system should be so organized that parts and materials will receive appropriate inspection while in an inspectable condition. Spot and sampling inspection systems may be considered as meeting these requirements provided the prime objectives of conformity, airworthiness, and safety are assured.

(iii) The inspection department should be provided with tools and equipment necessary to conduct all phases and types of inspection and tests essential to the continued production of duplicate products. Master templates, precision tools, and gauges should be readily available and used by the inspection department. The tools used by the production department in constructing the part, if used by inspection, should be periodically checked to determine that the results obtained are within approved tolerances and that conformity with approved design data is maintained.

(iv) Clearly defined areas for inspection of large units on the production floor and cages or booths for smaller items should be provided in order that the inspectors may operate efficiently and without interference.

(v) Definite procedures should be established for delivering parts to the inspection booths and for removing and storing inspected parts in order that installation of uninspected parts will be prevented.

(vi) After the manufacturer's facilities are approved for a production certificate, detailed inspection by the CAA of each part or component during fabrication will not normally be necessary. Continuation of this procedure will depend upon the extent to which the manufacturer maintains the adequacy of such facilities and the conformity and quality of the article produced.

(vii) Civil Aeronautics Administration personnel will spot-check to determine whether individuals in the inspection department are capable and fulfill their duties in an efficient manner.

(2) *Inspection; subsidiary manufacturer.* The following is in reference to major components, assemblies, or critical parts which are fabricated by a subsidiary manufacturer in accordance with the prime manufacturer's (type certificate holder's) approved drawings. This relates only to those components and parts which are delivered to the prime manufacturer for installation on or in the type certificated product. It will be necessary that the prime manufacturer or his authorized representative conduct such inspections and investigations as may be necessary to determine the acceptability of such parts before they are presented to the CAA for inspection in the final configuration. Acceptability, as referred to in this subparagraph, includes determination of compliance with related regulations and standards, conformity with approved design data forming the basis for type certification of the finished product, and the general acceptability and airworthiness of ma-

terials and workmanship incorporated in these products, as provided for in § 1.15 with respect to products manufactured under a type certificate only, or as provided herein with respect to products manufactured under a type and production certificate. If these major components, assemblies, or critical parts are of such a nature that they cannot be properly inspected for determination of acceptability when received at the prime manufacturer's facilities, it will be the responsibility of the prime manufacturer to arrange for the performance of such inspections at the subsidiary manufacturer's plant as may be necessary to make these determinations. Examples of the assemblies, components, and parts referred to above include covered wings, covered control surfaces, rotary gear box assemblies, landing gear assemblies, and other critical parts, the malfunctioning or failure of which might adversely affect the operational characteristics or safety of the aircraft. The prime manufacturer holds basic responsibility for the conformity, airworthiness, and acceptability of the finished product, and, in accordance with § 1.19, will be required to submit a statement of conformity with respect to each product manufactured under a type certificate only which is to be presented for CAA approval in the case of engines, propellers, etc., or certification in the case of an aircraft. The prime manufacturer should arrange with the subsidiary manufacturers to permit CAA inspection at the subsidiary manufacturers' plants on request from authorized Aviation Safety Agents.

(b) *Inspection records.* (1) Inspection records should be maintained which are complete and present a historical compilation of all events during the course of manufacture. Smaller parts, which are inspected in quantities, should be segregated, tagged, stamped, or otherwise marked after having been inspected.

(2) It is recommended that continuous records of all parts be maintained which indicate the name, drawing number, number of pieces inspected, and the number accepted and rejected.

(3) At final assembly, the inspection forms for the components of the completed unit should be identified with the complete unit, so that they may be traced at a later date if it becomes necessary to place responsibility for inspection of various components or to determine that all components have been inspected.

(4) Company production inspection forms and records should be retained in the files of the manufacturer for at least one year subsequent to the date of sale and delivery of the product involved. Under such a system, individual inspection responsibility may be established at a later date.

(c) *Inspector's identification.* All parts inspected and approved should be permanently marked when practicable to identify the individual inspector responsible.

(d) *Inspectors required.* The number of inspectors required to perform the necessary inspection will vary with the complexity of the product and of processes involved. It will also vary between departments and with labor conditions. Under any circumstances there should be sufficient inspection personnel to adequately check all processes and products to the extent necessary to provide reasonable assurance of conformity, quality, and acceptability of the finished product. Spot and sampling inspection systems may be considered as meeting these requirements provided the prime objective of conformity, airworthiness, and safety is assured. Inspection personnel should be vested with sufficient authority to permit them to perform their assigned duties in a manner which will warrant the issuance or continuation of a production certificate, provided other requirements are complied with.

(e) *Material review.* Procedures should be established for the satisfactory processing of items rejected due to damage or manufacturing errors, but which, by reason of action by the Material Review Board, are found to be serviceable. Such procedures should provide for the routing of salvaged or reworked parts for reinspection, the maintenance of complete records concerning the salvage or rework operations and the results of reinspection.

(f) *Technical data.* A system should be established whereby detailed drawings and other technical data are available to both production and inspection personnel.

§ 1.35–1 *Statement of conformity (CAA policies which apply to § 1.35).* The Statement of Conformity, Form ACA 317,[2] also will not be required for a product to be exported, provided the product is produced under the terms of a production certificate.

§ 1.36–1 *Data required from prime manufacturer (CAA policies which apply to § 1.36).* The production certification data (one copy only) should be submitted with the application for a Production Certificate, Form ACA 332,[1] to the local factory agent of the CAA. The data should outline the preparation which has been made by the applicant to produce and maintain the conformity and quality of the products for which the production certificate is requested. These data should be limited to those essential to the determination of acceptability of a manufacturer's organization, facilities, and systems, insofar as they are related to fabrication methods, processes, determination of conformity with approved design data, and the maintenance of quality in products involved, including at least the following:

(a) A general description of the manufacturer's layout and production flow. Manufacturer's layout and production flow charts will be accepted provided they indicate the major operations involved.

(b) A listing and description of any special processes required by the design of the product to be produced. The term "special processes" is intended to include any processes requiring specific approval; such as, brazing, soldering, gluing, material treatment, etc. A manufacturer's prepared process specification may be submitted in lieu of the description.

(c) A description of the established quality control organization, its functions and responsibilities, together with an organizational chart indicating line of authority for quality control and inspection responsibilities. These data should contain an outline of methods and procedures established by the manufacturer for the maintenance of quality and standards of acceptability and of implementing forms and records utilized in connection therewith, except as may have been otherwise submitted as a part of the type certification data.

(d) Production flight tests or operational tests for new products: A description of the production flight test procedures, including a copy of the flight check-off list. For products other than aircraft, an outline describing any production operational test to be employed in determining that the finished product conforms with the type design and is functionally satisfactory.

(1) *Production aircraft flight testing.* Aircraft manufacturers will develop production flight test procedures and a flight test check-off form to be used in connection with the initial flight testing of new production aircraft. This flight test procedure will apply to aircraft which are assembled and flight tested at the manufacturer's plant, and to those which are delivered unassembled to an authorized distributor by whom they will be initially assembled and flight tested.

(i) Data to be submitted in substantiation of the flight test procedure to be established and the acceptability of the production flight test procedure and of the flight test check-off form will be determined by the CAA. Production flight test procedures and flight test check-off forms, having once been approved, will be periodically checked by the CAA to determine continued acceptability. A production flight test check-off form, inasmuch as this is considered a functional and reliability test, should provide for at least the following:

(*a*) A functional check of each part or system normally operated by the crew while in flight.

(*b*) A functional check of the trim, controllability, and other operational characteristics of the aircraft throughout the normal range of operation while in flight.

(*c*) A check of the operational characteristics of the aircraft on the ground.

(*d*) A determination that all instruments are properly marked, that all readings are within the normal range, and that all gauges and control markings are correct.

(*e*) Any other items peculiar to the aircraft being tested which can best be checked during the ground operation or flight of the aircraft.

(*f*) A record of the date or dates and duration of production flight tests.

(ii) Flight test procedures established at a distributor's plant should be equivalent to those established at the manufacturer's plant, including the use of an

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

identical flight test check-off form. The manufacturer should acquaint authorized distributors with flight test procedures established at the manufacturer's plant and provide them with copies of the approved flight test check-off form. These forms, when prepared by the manufacturer, will be filed as a part of the aircraft inspection record and, when prepared by an authorized distributor, will be returned (copy or original) to the manufacturer and likewise filed.

(iii) Aircraft manufactured under a type certificate only should be initially assembled and flight tested at the manufacturer's plant prior to airworthiness certification. These flight tests should be conducted by, or under the supervision of, CAA flight test agents. At the discretion of these agents, this responsibility may, to the extent determined expedient in each case, be delegated to the manufacturer.

(iv) Aircraft manufactured under a production certificate will be flight tested periodically by the CAA. The number or percentage of aircraft flight tested by the CAA will be dependent upon the complexity and size of the aircraft, and upon experience gained through type inspection and functional and reliability tests. The manufacturer and the CAA should formulate a working schedule that is mutually suitable for conducting these flight tests.

(v) Aircraft which have been flight tested by the manufacturer (including all aircraft manufactured under a type certificate only), when shipped to and reassembled by an authorized distributor, should be given an abbreviated functional flight test to determine that the engine or engines, controls, systems, etc., are operating satisfactorily.

(vi) To facilitate compliance with provisions of § 43.10 (b) of this subchapter, and in order that the production flight tests may be conducted prior to the initial issuance of individual airworthiness certificates, the following entry will be made on the reverse side of the Dealers' Aircraft Registration Certificates, Form ACA 1707,[2] issued to manufacturers and authorized distributors:

> In accordance with the provisions of § 43.10 (b) of this subchapter, special authority is herewith issued to _____ (List certificate holder) to conduct production flight tests of new aircraft.

(vii) The special authorization on the reverse side of the dealer's aircraft registration certificate, as discussed in subdivision (vi) of this subparagraph, is provided for the convenience of the operator and has no connection with the issuance, validity, or continuation of the dealer's aircraft registration certificate. This entry is normally accomplished by the agent having responsibility for CAA activities at the plant or agency to which the dealer's registration certificate is issued.

(viii) Aircraft flight tested in accordance with the foregoing which are intended for U. S. registration and certification should display the appropriate U. S. identification markings in accordance with related regulations and instructions.

(ix) New aircraft intended for export should display the foreign identification markings assigned during production flight testing. If these markings are not available, the aircraft may display temporarily assigned U. S. identification markings.

(x) Under the following conditions, aircraft intended for export may be flight tested without displaying identification markings, provided these flights are confined to a radius of twenty miles of the manufacturer's base, and provided prior notices of such flights are transmitted to the local, state, or CAA authorities responsible for the enforcement of flight regulations:

(*a*) When foreign identification markings have been requested for aircraft to be delivered via flyway, but not received prior to the performance of the flight test, or

(*b*) When foreign identification markings are not available and the aircraft is to be disassembled and crated for shipment upon completion of the production flight test.

(2) *Logging of production aircraft flight test time.* Operating time, accumulated during the flight testing of new production aircraft manufactured under a type or a type and production certificate, should be construed as a part of the inspection and quality control provided for in this part. Accordingly, this flight test time need not be made a part of the aircraft or aircraft engine logbooks or historical records, but will be recorded on the flight test check-off form. This policy does not apply to time accumulated during accelerated service flight testing of prototype or modified aircraft. Once an aircraft is certificated, all subsequent flight time should be appropriately recorded in accordance with § 43.23 of this subchapter.

(3) *Standardized empty weight and C. G. for production aircraft.* The following is intended to provide a procedure which will permit manufacturers of aircraft, as described in subdivision (ii) of this subparagraph, to establish an average empty weight and empty C. G., thus avoiding the necessity of weighing each aircraft. This procedure may be applied to newly manufactured aircraft (except transport category aircraft) which are produced under the terms of a production certificate.

(i) Manufacturers who are interested in establishing an average empty weight and empty C. G., in lieu of actually weighing each aircraft, should prepare a detailed proposal regarding the procedure to be followed. This material will be furnished to the local Aviation Safety Agent and, with his comments and recommendations, will be forwarded to the Aircraft Engineering Branch for coordination and approval. Any proposal which will provide an accurate determination of average empty weight and C. G. may be considered acceptable.

(ii) The following example outlines an acceptable method for effecting this system:

(*a*) Actually weigh and determine empty C. G. of five to ten aircraft of a particular model, which have relatively identical equipment installed, as a means of establishing an average empty weight and empty C. G.

(*b*) Subsequently, with respect to aircraft of the same model which have relatively identical equipment installed, weigh an individual aircraft at regular intervals; e. g., each tenth aircraft, for the purpose of determining continued accuracy of the initial empty weight and empty C. G. established.

(*c*) If the spot checking, as described in subdivision (*b*) of this subparagraph, indicates a variation in empty weight which is in excess of 1 percent of the initially established weight, or a variation in the empty C. G. which exceeds ½ percent of the MAC, a new average weight should be established in accordance with procedures followed in establishing the initial average empty weight and C. G. conditions.

(iii) Inasmuch as a weight and balance report is required in connection with each aircraft presented for certification, these reports may be computed for aircraft which are not actually weighed. Such reports should be marked "computed" for those aircraft which are not actually weighed, and all other reports should be marked "actual."

(4) *Engines.* Aircraft engines produced under the terms of a production certificate should be subjected to a satisfactory test run consisting of a break-in run whcih should include the determination of each engine's fuel and oil consumption and maximum power characteristics. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller. Sufficient internal examination of each engine should be accomplished to reasonably ascertain that no unsafe conditions exist.

(5) *Propellers and appliances.* The necessity for functional test of propellers and other products will depend upon the nature of the product.

(e) The list of subsidiary manufacturers need not include the suppliers of standard parts and materials.

§ 1.37–1 *Data required from subsidiary manufacturers (CAA interpretations which apply to § 1.37).* (a) A subsidiary manufacturer who contracts with the prime manufacturer to produce and supply to the prime manufacturer, major assemblies and components which are manufactured in conformity with the prime manufacturer's approved drawings, may be required to submit the data prescribed by § 1.36 (a), (b), and (c). This information should be submitted through the prime manufacturer.

(b) Data required of subcontractors by § 1.37 are intended to assist the manufacturer in obtaining approval of major components or parts which, by reason of the nature of the article, cannot be readily inspected after delivery to the prime manufacturer's plant. For example, a complete wing nacelle or other such assembly, by reason of the covering, could not be properly inspected for conformity and quality of workmanship.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The prime manufacturer will furnish the CAA with complete information regarding the type of quality control which is to be maintained at the subcontractor's plant. At the request of the prime manufacturer, and when the prime manufacturer has so advised the subcontractor, the CAA will inspect the subcontractor's facilities and, if they are found acceptable, will grant the same privileges regarding acceptance of items manufactured for the prime contractor as though they were manufactured in the prime contractor's plant. Acceptance of subcontractors' quality control procedures does not relieve the prime contractor of his responsibility for the over-all conformity and airworthiness of the part or assembly. Periodic visits will be made to the subcontractor's plant by CAA personnel to determine that quality and conformity are being maintained in the manner originally approved. Submission of data by subsidiary manufacturers is optional with the prime manufacturer and subsidiary manufacturer. However, if these data are not furnished, parts and assemblies must be subjected to a complete inspection for conformity and quality at the prime manufacturer's plant, or arrangements must be made for suitable inspection at the subsidiary manufacturer's plant by the prime manufacturer's inspection personnel and, as required, by CAA personnel.

§ 1.38–1 *Modification of required data (CAA policies which apply to § 1.38).* Changes to a manufacturer's organization, production facilities, systems, processes, or quality control organization which would make production certification data initially submitted no longer applicable should be promptly directed to the attention of the CAA by means of revised pages or supplementary reports or data covering these changes.

§ 1.39–1 *Multiple products (CAA policies which apply to § 1.39).* More than one airplane type may be manufactured under the same production certificate, provided the types of construction and processes are similar. However, two basically different products such as an airplane and helicopter or an airplane and an engine will not be included under one production certificate. Separate production certificates will be issued for dissimilar products.

§ 1.40–1 *Production limitation record (CAA policies which apply to § 1.40).* The production limitation record is actually page 2 of the production certificate. Therefore, the Production Certificate, Form ACA 333, and the Production Limitation Record, Form ACA 333a, should always be displayed together. Type certificate number(s) covering products fabricated in conformity with the type design data, and approved for production under the terms of the production certificate, are reflected only on the production limitation record. Revisions to the production certificate for the purpose of adding or deleting a type certificate are accomplished by revising the production limitation record only. This policy has been adopted inasmuch as the aircraft, engine, propeller, or appliance specification, under the heading "Production Basis," will indicate those models of an aircraft, engine, propeller, etc., which are eligible for production under a production certificate. Conversely, those models which are not eligible for production under a production certificate will likewise be listed on the specification and such listings will be accompanied by a note stipulating that a CAA representative must perform a detailed inspection for workmanship, materials, and conformity with the approved technical data prior to approval, and, in the case of an aircraft, prior to certification.

§ 1.41–1 *Modifying a production limitation record (CAA policies which apply to § 1.41).* The holder of a production certificate may obtain the addition of a new type certificate number to the production limitation record in accordance with the procedures described in paragraph (a) of this section. Normally, a new type certificate number is assigned when a manufacturer has applied for a type certificate for a new type design which is not related to a previously type certificated design. When a manufacturer applies for a type certificate for a new model which is closely related to a previously type certificated design, the new model designation may be merely added to the previous type certificate. In such cases, it will not be necessary to amend the production limitation record; however, if the manufacturer desires to obtain an extension of his production certificate privileges to such new model, he should notify the CAA in accordance with the procedures described in paragraph (b) of this section. When a manufacturer makes a change in a previously type certificated design, but does not make a new application for type certificate, no action is required with respect to the production limitation record, and any necessary changes in the production certification data should be handled in accordance with § 1.38.

(a) *Addition of new type certificate number to a production limitation record.* To obtain the addition of a new type certificate number to a production limitation record:

(1) The manufacturer should submit an application for a Production Certificate, Form ACA 332,[1] in duplicate. This application should be accompanied by a description of any special processes or fabrication methods, not previously reported, which are pertinent to products covered by the new type certificate.

(2) A Manufacturing Inspection Authorization, Form ACA 313, will be issued by the appropriate CAA office.

(3) (i) A Manufacturing Inspection Report, Form ACA 314, will be prepared by the local Aviation Safety Agent with respect to the product covered by the new type certificate. This report will be executed only with respect to those items, processes, methods, or procedures not previously reported upon, or at variance with those previously reported upon. In such cases, an entry will be made under "Remarks" to the effect that those items not checked off were covered by previous reports.

(ii) The regional office of the CAA, upon receipt of a satisfactory application, Form ACA 332,[1] and an approved Manufacturing Inspection Report, Form ACA 314, will issue a superseding production limitation record which will include the new type certificate number and the date of issuance thereof. The original of the superseding production limitation record will be forwarded to the manufacturer with a request that the superseded production limitation record be immediately returned for cancellation and file.

(iii) The manufacturer, by letter, may request the deletion of one or more type certificates from a production limitation record, if he so desires. In such cases, a revised production limitation record reflecting these changes will be issued by the CAA and forwarded to the manufacturer with a request that the superseded production limitation record be immediately returned for cancellation and file.

(b) *Extension of production certificate privileges to a new model listed on a previous type certificate.* (1) The holder of a production certificate should notify the CAA that production certification privileges will be desired with respect to a new model of a product by appropriately indicating this fact upon the application for a Type Certificate, Form ACA 312.[1] On the assumption that the new model will be type certificated (granted type approval) under the type certificate number covering the basic model, the CAA, by reason of the above-mentioned note on the Form ACA 312,[1] will indicate on the Type Inspection Authorization, Form ACA 316, that the manufacturer has requested that production certification privileges be extended to cover the product which is being presented for type approval when such type approval has been issued. The local Aviation Safety Factory Agent, upon receipt of a type inspection authorization indicating that the manufacturer desires production certification privileges, while conducting or witnessing such inspections and/or tests as may be requested in the type inspection authorization, will also determine whether the manufacturer should be extended production certification privileges with respect to the product in question. The local Aviation Safety Agent, having determined that the manufacturer is entitled to production certification privileges with respect to the modified product, will indicate this fact on page 7 of Part I of the Form ACA 283–3–4b (which is submitted by reason of the receipt of a type inspection authorization), or, at the specific request of the regional office of the CAA, will prepare and submit to the regional office a Manufacturing Inspection Report, Form ACA 314.

(2) The local agent will forward to the regional office with the Form ACA 283–3–4b, or the Form ACA 314, a report or description of any new processes or changes to fabrication methods not previously reported, which he will obtain from the manufacturer.

(3) The regional office, upon receipt of information indicating that the local

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

factory agent has recommended that production certification privileges be extended to cover the modified product, as discussed above, and upon concurrence with the agent's recommendations, will notify the manufacturer, in writing, that production certification privileges have been extended. Two copies of this letter to the manufacturer will be forwarded to the Manufacturing Inspection Branch, Washington.

§ 1.42–1 *Transferability (CAA policies which apply to § 1.42).* A production certificate is not transferable and becomes invalid upon transfer of the controlling interest of the concern, or when the manufacturing facilities are moved from one location to another. In the event the controlling interest of an organization holding a production certificate is transferred, or the manufacturing facilities are physically moved from the location noted on the production certificate, the production certificate should be returned immediately to the Regional Aircraft Engineering Branch for cancellation. Concurrent with the return of the production certificate, application may be made for production certification coverage of future products manufactured under either or both of the conditions outlined in the foregoing.

§ 1.43–1 *Inspection by CAA representative (CAA policies which apply to § 1.43).* (a) Under the terms of a production certificate, a manufacturer is authorized to produce duplicates of his products without detailed inspection by CAA personnel. However, CAA representatives will conduct periodic inspections of the manufacturer's facilities and make such spot inspections of individual products as may be necessary to determine that the manufacturer is continuously complying with related regulations, and that individual products conform with approved type design data.

(b) Manufacturers holding a current production certificate may produce and ship their products without detailed inspection by CAA representatives. This procedure is predicated upon the manufacturer's demonstrated ability to maintain standards whereby conformity, interchangeability, and quality are assured. Major assemblies, components, and boxes of parts will be properly identified by the manufacturer prior to shipment. (Identification may be accomplished by the attachment of Approval Tags, Form ACA–186, to major components and assemblies, or to boxes of small parts.) A manufacturer holding a production certificate may obtain the appointment of individuals in his employ as designated manufacturing inspection representatives. These representatives will be authorized to represent the Civil Aeronautics Administration in determining the compliance of the product with requirements of related Civil Air Regulations, and to issue documents pertinent to domestic and export certification or approval of such products.

§ 1.44–1 *Duration (CAA policies which apply to § 1.44)*—(a) *Suspension.* In case of an emergency; that is, if it appears that a dangerous condition may develop as a result of continued production of a product being manufactured under a production certificate, by reason of unsatisfactory conditions noted or reported, the production certificate may be immediately suspended, in whole or in part, by the Administrator, for a period not to exceed thirty days. The Administrator will immediately give notice of the suspension to the holder of the certificate and will enter upon a hearing. During the pendency of the proceeding the Administrator may further suspend the certificate, in whole or in part, for an additional period not to exceed thirty days.

(b) *Surrender.* Where production under the terms of a production certificate has been indefinitely or permanently discontinued, the manufacturer should surrender the production certificate to the Regional Aircraft Engineering Branch with a request for cancellation. When the cancellation is properly noted in the regional office file, the canceled production certificate, including the production limitation record, with the manufacturer's request for cancellation, should be forwarded to the Washington office of the Manufacturing Inspection Branch.

§ 1.45–1 *Display (CAA policies which apply to § 1.45).* The purpose of § 1.45 is to make the certificates available to representatives of the Administrator in order that they may at any time see that the certificates are current and in order. To facilitate such an examination, it is recommended that production certificates be posted in a conspicuous place in the office of the factory.

AIRCRAFT AND PRODUCT IDENTIFICATION

§ 1.50–1 *Identification (CAA policies which apply to § 1.50).* (a) The primary purpose of identification data is to furnish information which will readily identify and indicate the approval status of individual products fabricated under the requirements of the Civil Air Regulations. The identification plate attached to products which are manufactured under the terms of a production certificate should list both the type and production certificate numbers. Those type certificated products manufactured without benefit of a production certificate should list the type certificate number.

(b) The "capacity or rating" should be indicated in the identification data with respect to products such as engines, and other products for which definite ratings or capacities are established. The display of ratings on aircraft and propellers is not necessary.

(c) After the product has been properly identified by the manufacturer and approved by the Administrator, the identification data required by this section should not be changed or altered without the approval of the CAA, and it should remain with the product to which assigned.

(d) For example, the following should not be changed or altered without CAA approval:

(1) Manufacturer's name.

(2) Model designation.

(3) The manufacturer's serial number.

(4) Date of manufacture when required.

(5) Type Certificate number.

(6) Production Certificate number (if applicable).

(7) Capacity or rating (if applicable).

(e) For requirements concerning identification plates, see the airworthiness part of this subchapter applicable to the particular product involved. (See § 1.12–1).

AIRWORTHINESS CERTIFICATES

§ 1.60–1 *"Registered owner" (CAA interpretations which apply to § 1.60).* The term "registered owner of the aircraft," as used in § 1.60, means the person listed on the official CAA register as the owner of the aircraft. (Regulations of the Administrator, Part 501 of this title, sets forth the rules and procedures concerning aircraft registration certificates.)

§ 1.60–2 *Application form (CAA rules which apply to § 1.60).* Application for an airworthiness certificate shall be made by completing Form ACA–305[1] Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft, original only, and submitting it to the local CAA Aviation Safety Field Representative. (Application forms, Form ACA–305, are available from all CAA regional and district offices, Designated Manufacturing Inspection Representatives, and Designated Aircraft Maintenance Inspectors.)

§ 1.60–3 *Processing application (CAA policies which apply to § 1.60*—(a) *Application requirements.* (1) The CAA will not require the applicant for a certificate of airworthiness to show legal evidence that he is a U. S. citizen and the owner of the aircraft, nor will his agent be required to furnish such evidence. The certifying statement made upon the application, Form ACA 305, will be accepted as satisfying the citizenship and ownership requirements of § 1.60.

(2) However, at the time the aircraft is presented for the airworthiness inspection, a current registration certificate executed in the name of the applicant must be displayed in the aircraft. Failure to present a current registration certificate will be considered an incomplete application and cause for rejection of the application. There are three types of registration certificates, any one of which will be considered acceptable for the purpose of indicating that the aircraft is currently registered. The three types of registration certificates acceptable for this purpose are:

(b) *The permanent type.* Part A of Form ACA 500 is the permanent registration certificate. This certificate is the one returned to the registered owner from the Aircraft Records Branch, Washington, D. C. The certificate will have been validated by the Washington office of the CAA and is current as of the date of issue shown on the form.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) *The temporary type.* This certificate is the original of Part B of Form ACA 500.[1] This form is completed by the applicant and displayed in the aircraft in accordance with instructions furnished with the form. The duration of this certificate is set forth in Item 5 of the certificate.

(d) *Dealer's aircraft registration certificate.* A current Dealer's Aircraft Registration Certificate, Form ACA 1707,[2] is recognized as a current registration certificate for purpose of making application for an airworthiness certificate. (Dealers' aircraft registration certificates are described and provided for in Regulations of the Administrator, Part 502 of this title.)

(e) *CAA procedure.* During the course of the inspection, the CAA representative conducting the airworthiness inspection will indicate on the Aircraft Inspection Report, Form ACA 305A, which is forwarded to Washington, the type of registration certificate displayed in the aircraft. This information will be compared with the official registration records in Washington to determine if the applicant is the official registered owner. Discrepancies involving official registration will be brought to the attention of the registered owner by the Washington office.

§ 1.60–4 *Airworthiness certificates (CAA policies which apply to § 1.60).* (a) Upon satisfactory application, and when the aircraft described in the application is found to conform with the airworthiness requirements specified in other related sections of the Civil Air Regulations, the CAA representative making the airworthiness determination will prepare a Certificate of Airworthiness, Form ACA 1362, or ACA 1362A, and deliver it to the applicant.

(b) The certificate of airworthiness will contain the following information: Aircraft nationality and registration mark, airworthiness classification, expiration date of certificate, date certificate was issued or renewed, signature of validating CAA representative, and scope of certificate.

§ 1.61–1 *Airworthiness certificate classifications (CAA policies which apply to § 1.61).* For purposes of airworthiness identification and administration, airworthiness certificates are classified as "Standard, limited, restricted," and "experimental." Aircraft found to conform to the "limited" or "restricted category" requirements will be issued a limited or restricted certificate of airworthiness, respectively. Aircraft found eligible for certification under the "normal," "utility," "acrobatic," or "transport category" requirements will be issued a standard airworthiness certificate. Experimental airworthiness certificates will be issued for aircraft conforming to the requirements of § 1.74.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1.62–1 *Changing airworthiness classification (CAA policies which apply to § 1.62).* (a) Application to amend or modify an airworthiness certificate should be submitted to a CAA representative on Form ACA 305,[1] entitled "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft." Upon finding the aircraft eligible for the classification of airworthiness specified on the application, the CAA representative will reissue the certificate of airworthiness, Form ACA 1362 and/or prescribe changes, if necessary, to the aircraft operating limitations required by § 43.10(b) of this subchapter.

(b) An example of a condition which would require amendment or modification of the airworthiness certificate and/or operating limitations is cited below:

Example. An aircraft certificated in the standard classification of airworthiness, to be used for research and development. The experimental installation does not conform to the design requirements for standard certification. Therefore, it would be necessary to have this aircraft certificated in the experimental classification of airworthiness in order to conduct the research and development experiments. The CAA representative would, in this case, also issue the appropriate operating limitations on Form ACA 309.

§ 1.64–1 *Duration of airworthiness certificate (CAA policies which apply to § 1.64).* All airworthiness certificates, issued after January 15, 1951, will contain an expiration date or will indicate specific conditions under which the airworthiness certificate will expire.

(a) *Air carrier aircraft.* (1) Airworthiness certificates issued for air carrier aircraft, being maintained under an approved continuous maintenance system as provided for in Parts 41, 42, or 61 of this subchapter, will not contain a specific expiration date but instead a condition under which a certificate is considered to expire automatically.

(2) Small irregular air carrier aircraft not maintained under an approved continuous maintenance system are issued an airworthiness certificate which contains a specific expiration date as outlined in paragraph (b) of this section.

(b) *Personal type aircraft.* Standard, restricted, and limited airworthiness certificates issued, or renewed, for aircraft other than air carrier aircraft being maintained as described in paragraph (a) of this section, will be issued to expire one year from the date of issuance or renewal.

(c) *Experimental aircraft.* (1) Experimental airworthiness certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental airworthiness certificate may vary from one flight, to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(2) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the airworthiness certificate issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

§ 1.65–1 *Display of airworthiness certificate (CAA rules which apply to § 1.65).* The airworthiness certificate shall be displayed at the cabin or cockpit entrance in such a manner that it is legible to passengers or crew.

§ 1.69–1 *Issuance of restricted airworthiness certificates (CAA policies which apply to § 1.69).* CAA policies concerning "restricted category" airworthiness certificates are contained in Part 8 of this subchapter. (The manual for Part 8 of this subchapter may be procured from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for sixty cents.)

§ 1.70–1 *Issuance of multiple airworthiness certificates (CAA policies which apply to § 1.70).* CAA policies concerning multiple airworthiness certificates are contained in Part 8 of this subchapter. (See § 1.69–1 for procurement of the manual for Part 8 of this subchapter.)

§ 1.71–1 *Issuance of limited airworthiness certificates (CAA policies which apply to § 1.71)*—(a) *Aircraft models issued a limited type certificate.*

Aircraft manufacturer	Models eligible	Limited aircraft specification No.
Boeing	B-17F and B-17G (Flying Fortress)	AL-1
North American	B-25G, B-25H, and B-25J (Mitchell)	AL-2
Douglas	A-26B and A-26C (Invader)	AL-3
Do	A-24B (Navy SBD-5) (Dauntless)	AL-4
Consolidated-Vultee	PB2Y-3, PB2Y-3R, PB2Y-5, PB2Y-5R, and PB2Y-5Z (Coronado)	AL-5
Consolidated	LB-30	AL-6
Sikorsky	R-4B Helicopter	AL-7
Grumman	TBF-1, TBF-1C, TBM-1, TBM-1C, TBM-3, and TBM-3E (Avenger)	AL-8
Douglas	A-20B, A-20C, A-20G, A-20H, and A-20J (Havoc)	AL-9
Lockheed	P-38E, P-38J, P-38L, P-38M, F-5E, F-5F, and F-5G (Lightning)	AL-10
North American	P-51-C, P-51D, and P-51K (Mustang)	AL-11
Beech	AT-10, AT-10BH, AT-10GL, and AT-10GF (Wichita)	AL-12
Lockheed	B-34, PV-1, and PV-2 (Ventura)	AL-13
Northrop	P-16, P-61A, and (Black Widow)	AL-14
North American	A-36A (Mustang)	AL-15
Curtiss	O-52	AL-16
Grumman	J2F-3, J2F-4, J2F-5, and J2F-6 (Duck)	AL-17
Curtiss-Wright	P-40N and P-40L (Warhawk)	AL-18
Sikorsky	R-5A Helicopter	AL-19
Martin	PBM-5 (Mariner)	AL-20
Bell	P-63C and P-63E (Kingcobra)	AL-21

Aircraft manufacturer	Models eligible	Limited aircraft specification No.
North American	BC-1	AL-22
Grumman	F8F-1 (Bearcat)	AL-23
Chance-Vought	OS2U-1, OS2U-2, and OS2U-3 (Kingfisher)	AL-24
Grumman	FM-2 (Wildcat)	AL-25
Stinson	L-1, L-1A, L-1B, L-1C, L-1D, L-1E, and L-1F (Vigilant)	AL-26
North American	BT-9, BT-9A, BT-9B, and BT-9C (Yale)	AL-27
Culver	PQ-14A; PQ-14B, and TD2C-1	AL-28
Sikorsky Helicopter	R-6A and HOS-1	AL-29
Consolidated	C-87A (Liberator Express)	AL-30
Curtiss	AT-9 and AT-9A (Jeep)	AL-31
North American	BT-14 (Yale)	AL-32

(b) *Application procedure for an original limited airworthiness certificate.* The following procedure should be followed by an applicant for a limited airworthiness certificate:

(1) Establish that the aircraft in question is one of the models or series that have been issued a limited type certificate. (See paragraph (a) of this section for listing of aircraft issued a "limited category" type certificate.)

(2) Determine that the aircraft configuration conforms to the requirements set forth in the pertinent "limited category" aircraft specification.

(3) Present evidence that the periodic inspection has been accomplished by an appropriately rated mechanic immediately prior to submitting the application. The scope of a periodic inspection is described on the reverse of Periodic Aircraft Inspection Report, Form ACA 319[1] (revised 11-49).

(4) Accomplish a flight test for the purpose of checking the proper functions of the powerplant, instruments and controls of airframe and powerplant.

(5) Present logbooks for the aircraft. The logbooks should show the results of the flight test and be signed by the pilot making the flight test. The entry should indicate that the aircraft performs normally and is considered airworthy.

(6) Present any information or technical orders that the CAA representative deems necessary to establish airworthiness compliance.

(7) Present a properly executed application for a limited airworthiness certificate. Application for a Limited Airworthiness Certificate is made on Form ACA 305.[1] (See § 1.60-2 for application procedure.)

(8) (i) Present with the application a "limited category" aircraft specification for the particular model shown on the application. "Limited category" aircraft specifications are available free of charge from the CAA regional offices or the CAA Office of Aviation Information, Washington 25, D. C.

(ii) The applicant should discuss the "limited category" aircraft certification requirements with the local CAA representative prior to formally submitting the aircraft for inspection and certification. This procedure is not mandatory; however, it will usually expedite final approval since the CAA representative will be able to instruct the applicant concerning the requirements for his particular aircraft.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1.72-1 *Procedure to be followed for recertification in the "limited category" (CAA policies which apply to § 1.72).* Aircraft previously certificated in the "limited category" and subsequently certificated in the "restricted" or "experimental" classification of airworthiness are eligible for recertification in the "limited" classification of airworthiness; provided, the aircraft is restored to the original level of airworthiness and is in a good state of preservation and repair, and in condition for safe operation. Application for recertification should be made in the same manner as outlined in § 1.71-1 (b).

§ 1.73-1 *Experimental airworthiness certification (CAA policies which apply to § 1.73).*—(a) *Type of operations.* Experimental airworthiness certificates are issued for the following, and similar types of operations: Research and development; flight testing leading to type certificates; testing of new installations such as powerplants, propellers, controls, electronic equipment, etc., racing and exhibition flights and amateur-built aircraft.

(b) *Experimental military type aircraft.* Aircraft built on a military contract and identified by military aircraft identification marks are considered public aircraft and do not require issuance of airworthiness certificates. However, aircraft of military design built independently by manufacturers with the intention of demonstrating to prospective military purchasers, and not having military identification, will be required to obtain an experimental airworthiness certificate inasmuch as such aircraft would be considered civil aircraft.

(c) *Amateur-built aircraft.* Amateur-built aircraft will be eligible for an experimental airworthiness certificate when the applicant presents satisfactory evidence that the aircraft was designed and/or fabricated by an individual or group of individuals, the project having been undertaken for educational or recreation purposes and the CAA finds that the aircraft complies with the amateur-built aircraft requirements set forth in § 1.74-3.

§ 1.74-1 *Requirements for the issuance of experimental airworthiness certificates (CAA rules which apply to § 1.74 (a)).* In addition to the information required to be submitted on application Form ACA 305,[1] the applicant shall indicate on a separate sheet of paper:

(a) The purpose of the experiment.

(b) The estimated time or number of flights required to conduct the experiment.

(c) The areas over which it is desired to conduct the experiment.

(d) A three-view drawing of the aircraft specifying only the external dimensions. (Three-view dimensioned photographs will be acceptable in lieu of the drawings. This information need not be submitted for any "experimental" aircraft converted from a basic approved type provided the external configuration has not appreciably changed.)

§ 1.74-2 *Additional information (CAA policies which apply to § 1.74 (a)).* The applicant may be called upon to submit additional information during the airworthiness inspection conducted by the CAA representative. For example, the CAA representative might request the applicant to furnish information concerning a particular construction technique used to fabricate the aircraft or information as to the type of material or gauge of tubing. The purpose of such requests by the CAA representative would be to help determine the general airworthiness of the aircraft and to establish operation limitations or restrictions to safeguard the general public.

§ 1.74-3 *Certification of amateur-built aircraft (CAA policies which apply to § 1.74).* The following policies will apply to the certification and operation of aircraft of amateur design and construction designed and built by educational institutions and individuals without complying with all the requirements of "standard" aircraft:

(a) *Scope.* While amateur-built aircraft are issued "experimental" airworthiness certificates, the airworthiness requirements for this type of aircraft are of greater scope than those for other types of "experimental" aircraft. The reason is that after the aircraft has completed the flights specified in paragraphs (g) and (h) of this section, the aircraft operation limitations, upon application, may be modified to permit the carriage of non-revenue passengers. In addition, the area restrictions normally prescribed for "experimental" aircraft may be modified to authorize extended flights.

(b) *Design and construction, powerplant and equipment.* (1) Amateur-built aircraft should not have any apparent unsatisfactory features of design and construction.

(2) The following guide to design and construction should be followed by an applicant if he intends to apply for an amateur-built aircraft experimental airworthiness certificate:

(i) Approved components such as engines, propellers, wheels, and similar items should be used wherever possible. Structural components of other aircraft may be used; however, it is not intended that this provision be used to avoid obtaining approval of major alterations to aircraft previously certificated in another category.

(ii) Protrusions, knobs, sharp corners, and other objects likely to cause serious injury to the pilot or passengers in the event of a minor crash should be reduced to a minimum. Where removal is impractical, consideration should be given to use of padding.

(iii) Instruments and equipment as required by § 43.30 (a) of this subchapter

should be installed. Safety belts should be installed for each seat.

(iv) Suitable means, consistent with the size and complexity of the aircraft, should be provided to reduce the hazard of fire. A fire wall isolating the engine compartment from the remainder of the aircraft should be provided.

(v) Any engine or propeller may be used, provided no adverse characteristics of the engine, propeller, or engine-propeller combination are evident or known to the Administrator.

(vi) The complete powerplant installation, including the propeller, as installed in the aircraft should satisfactorily undergo at least one hour of ground operation from idling to full throttle power prior to the first flight. The applicant may use any time interval he desires at the various speeds he selects.

(vii) Only fuel of a grade which will eliminate destructive detonation and minimize the possibility of vapor lock should be used.

(viii) Suitable means should be provided to minimize the possibility of carburetor ice.

(ix) An identification plate containing at least the following should be displayed in the cabin or cockpit:

(*a*) The name and address of the builder.

(*b*) The model designation.

(*c*) The serial number.

(*d*) The date of manufacture.

(c) *Essential data.* In addition to the information furnished on application, Form ACA–305, the following information should be submitted with the application:

(1) Horsepower rating of engine and propeller.

(2) Empty weight and maximum weight at which the aircraft will be operated.

(3) Number of seats installed and their arrangement with respect to each other.

(4) Whether single or dual control.

(5) Fuel and oil capacities.

(6) Maximum speed at which the applicant expects to operate the aircraft.

(7) A statement as to the criteria (any regulations, design data, or other information) used as a basis for the design.

(d) *Examination and inspection.* As part of the certification procedure the aircraft will be subjected to examination and general inspection for airworthiness by an authorized CAA representative. Compliance with specific design requirements contained in paragraph (b) of this section, as well as good aeronautical practice will be determined by means of this inspection and examination. Any apparent unairworthy feature, workmanship or device disclosed by the inspection will be repaired, reworked, or otherwise be changed to be acceptable to the CAA prior to certification as an amateur-built aircraft.

(e) *Initial restrictions.* Upon satisfactory completion of all necessary inspections and testing on the ground, the CAA representative will issue an amateur-built aircraft "experimental" airworthiness certificate. Initially, the aircraft operating limitations of all amateur-built aircraft will contain appropriate restrictions as follows:

(1) Only day VFR flight will be authorized.

(2) The permissible flight area will be restricted to minimize any hazard to the general public. In no case will the initial permissible flight area exceed a 25 mile radius from applicant's base. Flights over thickly populated areas will be prohibited.

(3) Occupants of the aircraft will be limited to essential crew members, and, except in single place aircraft, the cabin or cockpit will be placarded, "Passengers Prohibited," in such a manner and location as to be visible from all seats.

(4) The aircraft will not be used for the carriage of cargo nor in connection with any business or employment.

(5) Such additional restrictions as the Administrator may deem necessary in the interest of safety.

(f) *Modified restrictions.* (1) Upon satisfactory completion of the flight experience requirements outlined in paragraph (g) of this section, and the flight test demonstration outlined in paragraph (h) of this section, the flight operation restrictions applied at the time of initial certification may be amended as follows:

(i) Acrobatics may not be performed while carrying passengers.

(ii) The restriction regarding flight areas may be removed.

(iii) Passengers or cargo may not be carried for compensation or hire.

(2) The placard "Passengers Prohibited" may be removed and the following substituted:

Passenger Warning: This aircraft is amateur-built and does not comply with the Federal safety regulations for "standard" aircraft.

(g) *Flight experience.* Prior to conducting the flight demonstration provided in paragraph (h) of this section, and subsequent to modification of the operating restrictions as provided for in paragraph (f) of this section, the applicant should submit evidence that the following flight experience has been accumulated on the aircraft.

(1) The aircraft should have been flown at least 50 hours when a type certificated engine is installed, or 75 hours when an uncertificated engine is used.

(2) When application is made for the modification of the operation restrictions, the applicant should submit a log of the aircraft flight history, containing at least the following information:

(i) The duration of each individual flight counted toward the flight time of subparagraph (1) of this paragraph.

(ii) A statement as to the purpose of each flight (test, pleasure, or proficiency).

(iii) Number of landings made.

(iv) A full description of any mishaps however minor, or any experiences not entirely normal that occur during the flight experience period.

(3) The pertinent portion of the log should be certified by the signature of the applicant and by the signature of the pilot or pilots, other than the applicant that flew the aircraft during the flight experience period.

(h) *Flight test demonstration.* Upon satisfactory completion of the flight experience required in paragraph (g) of this section, the applicant may apply for the modified restrictions provided for in paragraph (f) of this section. Application should be made in writing to the local CAA Aviation Safety District Office. An Aviation Safety Agent will re-examine the aircraft and the flight experience record and upon finding them satisfactory will witness the flight test demonstration. The flight test will be conducted by a certificated pilot holding at least a private pilot's rating. The flight test will be of such scope as to demonstrate that the aircraft performance is adequate for such operations with respect to take-off, climb, and landing at maximum and minimum weights, for which the aircraft is to be certificated. The aircraft will be demonstrated to be satisfactorily controllable and reasonably maneuverable during taxiing, take-off, climb, level flight, dive and landing, with or without power. Adequate provisions should be made for emergency egress and use of parachutes by the crew during the flight test.

§ 1.75–1 *Special flight permits. (CAA interpretations which apply to § 1.75)*—(a) *General.* (1) Section 43.10 (a) of this subchapter states in part that "No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless an appropriate and valid airworthiness certificate or special flight authorization and a registration certificate issued to the owner of the aircraft are carried in the aircraft. * * *"

(2) "Special flight authorization," mentioned in subparagraph (1) of this paragraph is interpreted to mean the special flight permit described in this section. Special flight permits are issued for only two purposes: The first and primary purpose is to permit aircraft not fully complying with the established airworthiness requirements to be flown to bases where repairs or alterations may be made; the second purpose is to permit "flyaway" delivery or flights to points of export of aircraft which are airworthy but not eligible for a U. S. certificate of airworthiness. For example, an aircraft purchased by a person other than an American citizen would not be eligible for a U. S. certificate of airworthiness due to the fact that a current U. S. registration certificate is a prerequisite to obtaining an airworthiness certificate, and only a U. S. citizen, who can present proof of ownership, may obtain a current aircraft registration certificate.

§ 1.76–1 *Application for permit (CAA rules which apply to § 1.76)*—(a) *Persons who may make application.* The registered aircraft owner or his agent shall make application for a special flight permit.

(b) *Application form.* Application shall be made by completing in duplicate Form ACA–1779[1] entitled "Application and Authorization for Ferry Permit," and submitting it to an authorized CAA Aviation Safety Representative. (Ap-

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

plication forms are available at all CAA regional and Aviation Safety District Offices and from designated CAA representatives. The application form consists of two parts: The first part is completed by the applicant and furnishes a description of the aircraft, and the proposed flight; the second part is completed by the CAA representative, and is the authority to conduct the flight. This part shall be prepared to contain the conditions and limitations under which the flight is to be conducted.)

§ 1.76–2 *Airworthiness (CAA policies which apply to § 1.76).* While the aircraft may not be eligible for a Certificate of Airworthiness, it must be found safe for the flight described on the application prior to commencing the flight. The CAA representative may make this determination prior to issuing the authorization, or he may require a pre-flight inspection to be conducted by a certificated mechanic in order to determine that the aircraft is safe for the flight authorized.

§ 1.76–3 *Flight restrictions (CAA policies which apply to § 1.76).* The following flight restrictions will be prescribed for all aircraft to be operated under a special flight permit:

(a) The carriage of persons other than crew members will be prohibited.

(b) Weather minimums under which the flight may be conducted will be established.

(c) The duration of the authorization will be shown.

(d) The purpose of the flight will be indicated.

(e) Special area restrictions will be listed, if applicable.

(f) Pre-flight inspection requirements, if any, will be listed.

(g) The origin, destination, and proposed itinerary, taking into consideration reasonable deviations necessitated by weather or other circumstances beyond the control of the operator, will be indicated.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

§ 1.101–1 *Assignment of registration numbers (CAA policies which apply to § 1.101 (a)).*—(a) *General.* (1) Section 1.101 (a) requires that all U. S. civil aircraft display identification marks. This section, in part, states that the identification marks shall be the Roman capital letter "N" followed by the registration number. The purpose of this policy is to make known the method by which an aircraft owner can obtain a registration number for an unidentified aircraft.

(2) Most aircraft are assigned a registration number and display the proper identification marks prior to leaving the manufacturer's plant. Generally speaking, the registration number will continue to identify that particuular aircraft throughout the remainder of its operating life. There are many times, however, that it is necessary for the owner of the aircraft to request that a registration number be assigned his aircraft. This is particularly true with converted military surplus, amateur-built aircraft, experimental aircraft, and aircraft imported from other countries which have not been certificated at the manufacturer's plant.

(b) *Procedure.* (1) An aircraft should be assigned a registration number before the owner applies for registration. To obtain a registration number, the aircraft owner should furnish the local Aviation Safety District Office, or International Field Office if the aircraft is located outside the United States, the following information:

(i) The name of the aircraft manufacturer.

(ii) The aircraft model.

(iii) The aircraft serial number.

(2) This information can usually be found on the manufacturer's nameplate, displayed in the aircraft, or on the bill of sale. Upon receipt of this information, the CAA representative will issue a registration number. This number is used when making application for registration and must be displayed on the aircraft in accordance with the requirements of §§ 1.101 through 1.107.

§ 1.108–1 *Identification marks for nonconventional aircraft (CAA rules which apply to § 1.108).*—(a) *Purpose.* The purpose of this section is to prescribe the procedure for displaying identification marks on nonconventional aircraft. For the purpose of prescribing identification marks, an aircraft is considered to be nonconventional when it is impossible to display the identification marks in accordance with the applicable rules prescribed in §§ 1.101 through 1.107.

(b) *Procedure.* (1) The owner of the aircraft shall submit to the local CAA representative a dimensioned three view drawing, or dimensioned photographs of the aircraft, including a statement setting forth the reson why it is not possible to identify the aircraft in accordance with the standard requirements. If the owner desires to include a proposed method of marking, it too will be considered. Such proposal shall take into consideration, as near as possible, the standard identification marking procedure set forth in §§ 1.101 through 1.107.

(2) This information shall be submitted to the local CAA representative as far in advance of the anticipated flight date as possible, since the CAA representative must forward the information to the Washington office for final decision.

This supplement shall become effective October 1, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–10200; Filed, Sept. 18, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–99, as amended September 18, 1952]

M–99—CRYOLITE

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, as amended, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation in advance of the issuance of this order, as amended, with representatives of all affected trades and industries was rendered impracticable because of the need for immediate action and because of the large number of different trades and industries affected.

EXPLANATORY

NPA Order M–99, of February 29, 1952, as amended by Amendment 1 of April 15, 1952, has been rewritten to effect the following changes: (1) The grade of cryolite known as Raymond Mill Dust is excluded from the definition of cryolite regulated by this order; (2) except as to purchases for export and purchases by producers of primary aluminum, this order, as amended, regulates the use of cryolite rather than its purchase; (3) the provisions of this order, as amended, relating to cryolite insecticides are clarified; (4) inventory limits are increased, and purchasers are required to certify to their right under the order, as amended, to purchase and accept delivery of cryolite; (5) a quarterly report by users of cryolite is required; (6) users of less than 100 pounds of cryolite per calender quarter are exempted from certain provisions of this order as amended.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. Limitations on use.
4. Limitations on purchase.
5. Exports.
6. Authorizations and directives.
7. Inventory limitations.
8. Small user exemption.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950, Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951, Supp.

SECTION 1. *What this order does.* This order, as amended, requires conservation in the use of cryolite. It regulates the use of cryolite and, with certain exceptions, limits inventory of users of cryolite. Persons who use 100 pounds or less of cryolite per calendar quarter for all purposes are exempted from certain provisions of the order. Quarterly reports are required from users of cryolite.

SEC. 2. *Definitions.* As used in this order:

(a) "Cryolite" means refined natural and synthetic cryolite of all grades except the grade known as Raymond Mill Dust.

(b) "Raymond Mill Dust" means that grade of cryolite which:

(1) Results as a by-product of the initial grinding of crude cryolite ore in producing refined natural cryolite, and

(2) Is not further refined, and

(3) Contains not more than 85 percent sodium aluminum fluoride, and 98

percent or more of which, by weight, passes through a 300 mesh screen.

(c) "Primary aluminum producer" means a person who produces alumium in either pig or ingot form by electrolytic reduction of alumina. Wherever the term "primary aluminum producer" is used in this order, it shall be understood to relate solely to the producer's use of cryolite for producing aluminium in the form and by the method described in the preceding sentence.

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(e) "NPA" means the National Production Authority.

SEC. 3. *Limitations on use.* (a) No person shall use any cryolite in the production, processing, preparation, or manufacture of any material or product when it is commercially feasible to substitute some other material or materials for cryolite. No person shall use a greater quantity or a higher grade of cryolite in the production, processing, preparation, or manufacture of any material or product, if it is commercially feasible to use a lesser quantity or a lower grade for that material, product, or purpose, unless required to meet military specifications or standards.

(b) No person shall use cryolite to produce insecticide-grade cryolite without authorization from NPA, and no person shall purchase or accept delivery of insecticide containing cryolite except for use, or resale for use, as an insecticide.

(c) Subject to the provisions of paragraph (a) of this section, no person, other than a primary aluminum producer or a producer of insecticide-grade cryolite, may, during any calendar quarter commencing with the fourth quarter of 1952, use in the production of any product a quantity of cryolite in excess of 125 percent of the quantity of cryolite used by him for such purpose during the first calendar quarter of 1952.

SEC. 4. *Limitations on purchase.* No primary aluminum producer shall purchase or accept delivery of cryolite without authorization from NPA.

SEC. 5. *Exports.* No person shall purchase cryolite for export without specific authorization from NPA. The application for an export license to the Office of International Trade shall constitute a request for such NPA authorization.

SEC. 6. *Authorizations and directives.* NPA may issue authorizations or directives to any person from time to time with respect to the quantities of cryolite which may be shipped or accepted for delivery by any person.

SEC. 7. *Inventory limitations.* (a) No person other than primary aluminum producers and producers of, dealers in, and consumers of insecticides containing cryolite, may receive or accept delivery of any cryolite if his inventory of cryolite is, or by reason of such receipt would become, more than 50 percent of the quantity of cryolite he is authorized to use during a calendar quarter under section 3 of this order, or 1500 pounds, whichever is greater, but in no event to exceed twice the quantity of cryolite he is authorized to use during any calendar quarter under section 3 of this order. No such person may place any orders calling for delivery of any cryolite at a time earlier or in greater amounts than he would be permitted to receive under this section. Any such person who at any time has orders outstanding for cryolite calling for delivery earlier or in quantities greater than he would be permitted to receive under this section shall immediately notify his supplier of the extent to which such deliveries may not be accepted as scheduled, and such orders shall be adjusted accordingly. The provisions of NPA Reg. 1 are applicable to cryolite to the extent that such provisions are not inconsistent with the provisions of this section.

(b) No person shall deliver any cryolite if he knows or has reason to believe that the person to whom the delivery is to be made may not accept delivery of that quantity of cryolite or that he will use the cryolite in violation of any provision of this order. No person shall deliver cryolite unless he has previously received from the person to whom delivery is to be made a certificate reading substantially as follows:

Certified under the provisions of NPA Order M-99.

Such certification shall be signed in accordance with the provisions of NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the person to whom the delivery is to be made is authorized to accept such delivery under the provisions of this order.

SEC. 8. *Small user exemption.* Any person whose use of cryolite for all purposes during any calendar quarter does not exceed 100 pounds is not subject to the provisions of section 3 (c) and section 7 (a) of this order during such quarter. However, every such person is subject to the inventory limitations and all other provisions of NPA Reg. 1.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) For the third calendar quarter of 1952 and for each calendar quarter thereafter, any person whose use of cryolite for all purposes during that calendar quarter exceeded 100 pounds, shall file with the National Production Authority Form NPAF-225 on or before the tenth day of the month following the close of the quarter for which the report is required. Persons who purchase insecticide-grade cryolite for their own use as insecticide are not required to file Form NPAF-225 as to insecticide-grade cryolite so purchased.

(d) Persons subject to this order shall make such records and submit such further reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-99.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 1, 1952.

Issued September 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10319; Filed, Sept. 18, 1952; 11:06 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective September 19, 1952, Item 36 of Schedule A to Rent Regulation 1 and Rent Regulation 2 pertaining to the Barstow Defense-Rental Area is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(36) Barstow	A	In San Bernardino County, the township of Barstow	May 1, 1951	Nov. 15, 1951
	A	In San Bernardino County, the U. S. Marine Corps Depot Military Reservation outside the township of Barstow.	do	Mar. 14, 1952
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township outside the U. S. Marine Corps Depot Military Reservation, bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952

[F. R. Doc. 52-10237; Filed, Sept. 18, 1952; 8:53 a. m.]

[Rent Regulation 3, Correction to Schedule A]

[Rent Regulation 4, Correction to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective September 19, 1952, Item 36 of Schedule A to Rent Regulation 3 and Rent Regulation 4 pertaining to the Barstow Defense-Rental Area is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(36) Barstow	California	In San Bernardino County, the township of Barstow.	May 1, 1951	Nov. 15, 1951
		In San Bernardino County, the U. S. Marine Corps Depot Military Reservation outside the township of Barstow.	do	Mar. 14, 1952
		In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township outside the U. S. Marine Corps Depot Military Reservation, bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952

[F. R. Doc. 52-10238; Filed, Sept. 18, 1952; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

DUE DATE OF PREMIUMS

1. In Part 6, § 6.15 is revised to read as follows:

§ 6.15 *Due date of premiums.* Premiums on United States Government life insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans' Administration in the city of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly, in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3½ percent per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity by death or otherwise, the discounted value at 3½ percent per annum of the premiums paid in advance beyond the current calendar month shall be refunded to the insured, if living; otherwise to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, § 8.5 is revised to read as follows:

§ 8.5 *Due date of premiums.* Premiums on National Service life insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans' Administration in the city of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly, in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3 per centum per annum, except that premiums on insurance issued under sections 620 and 621 of the National Service Life Insurance Act, as amended, shall be discounted at 2¼ per centum per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity the discounted value of the premiums paid in advance beyond the current month shall be refunded to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

(Sec. 10, Pub. Law 23, 82d Cong.)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 19, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10196; Filed, Sept. 18, 1952; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

STATUS "REHABILITATED"

In § 21.281, paragraphs (a) and (c) are amended to read as follows:

§ 21.281 *Status "rehabilitated."* (a) A trainee under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be considered employable and declared "rehabilitated" and the necessary steps will be taken to effect such action as soon as any one of the following conditions exists:

(1) When the trainee has completed the prescribed course of training as outlined in the individual training program. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

(2) When a trainee while in training status or while properly in interrupted status as required by § 21.282 accepts employment in the same occupation for which he is being trained or in an occupation for which the training received under Part VII has contributed materially toward rehabilitation, and his earnings approximate those of the average trained worker in the occupation, and the employment is such kind that to pursue it full time would be not incompatible with the trainee's disability—thus demonstrating attainment of satisfactory employment: *Provided*, That where such employment is not in the same occupation for which the veteran was being trained, his case will be referred to the advisement and guidance section for determination of whether the occupation in which the veteran is employed is compatible with the veteran's disability and aptitudes. The effective date of rehabilitation will be the day following the last day of instruction. If the findings of the advisement and guidance section are negative, the veteran will be placed in discontinued status.

(3) When a veteran whose training has been interrupted under § 21.282 (e) after taking a required examination for license to practice the occupation for which he was trained has passed the examination. The effective date of rehabilitation will be the day following completion of the examination or on the day following completion of the course, whichever is later.

* * * * *

(c) When a trainee discontinues training under § 21.283 (a) (1), (2), (3), (4), or (5) and investigation later discloses that the trainee has accepted employment in an occupation for which the training received under Part VII has contributed materially toward employability and medical or other acceptable evidence indicates that the employment is of a kind which to pursue full time would be not incompatible with the trainee's disability, the trainee will be placed in status "rehabilitated" effective on the day following the last day of instruction for purposes of the office record. In such cases, the veteran shall not receive written notice of rehabilitation and shall not be paid the subsistence allowance ordinarily paid for 2 months following the determination of employability. As indicated, this action is for record purposes only, and the veteran's reentrance into training under the conditions provided for in § 21.286 will not be jeopardized by this recording.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective September 19, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10197; Filed, Sept. 18, 1952; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1832]

PART 70—MINERAL LANDS: COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

This part is hereby completely revised as follows, effective 60 days after date of issuance hereof by the Secretary of the Interior:

GENERAL

Sec.
70.1 Statutory authority.
70.2 Area and limitation on holdings.
70.3 Qualifications of applicants.
70.4 Permits and leases for lands disposed of with reservation of coal.
70.5 Requirements when lands are within a withdrawal.
70.6 Payments.

COAL LEASES

70.7 Leasing units.
70.8 Form of lease.
70.9 Minimum expenditure and lease bond.
70.10 Minimum production; suspension of operations.
70.11 Application for lease by competitive bidding.
70.12 Offer of lands or deposits for lease by competitive bidding.
70.13 Notice of lease offer.
70.14 Sale; bidding requirements; action by successful bidder.
70.15 Modification and leasing of additional land or coal deposits; consolidation of leases of small areas.
70.16 Renewal of lease; readjustment of terms and conditions.
70.17 Relinquishment of lease.
70.18 Cancellation of lease.
70.19 Use of timber.

COAL PROSPECTING PERMITS

70.20 Character of lands.
70.21 Rights conferred.
70.22 Application for permit.
70.23 Permit bond.
70.24 Reward for discovery.

TRANSFERS OF PERMITS AND LEASES; OVERRIDING ROYALTIES

Sec.
70.25 Transfers, including sub-leases.
70.26 Limitation on overriding royalties.

LIMITED COAL LICENSES

70.27 Purpose of license.
70.28 Area and duration.
70.29 Application for license.

AUTHORITY: §§ 70.1 to 70.31, issued under sec. 17, 38 Stat. 745; 48 U. S. C. 451.

GENERAL

§ 70.1 *Statutory authority.* Sections 1 to 19, inclusive, of the act of October 20, 1914 (38 Stat. 741, et seq.; 48 U. S. C., sections 432–438, 438a, 439–452), as amended, authorize the Secretary of the Interior to:

(a) Divide into leasing units and award leases of the coal, lignite and associated minerals in unreserved coal lands and coal deposits owned by the United States in Alaska;

(b) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits in Alaska; and

(c) Issue limited licenses or permits to prospect for, mine and dispose of, for free use, coal on specified tracts belonging to the United States in Alaska.

§ 70.2 *Area and limitation on holdings.* A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form, if good reasons appear for not including a contiguous area. A lease will comprise contiguous tracts, except in a case where it appears that non-contiguous tracts can be practically worked as a single mine or unit. No person, association, or corporation, except as in the act provided, may hold more than 2,560 acres in the aggregate, whether directly through the ownership of coal leases and permits or interests in such leases or permits, or indirectly as a member of an association or associations, or as a stockholder of a corporation, holding such leases and permits or interests therein or both.

§ 70.3 *Qualifications of applicants.* (a) Leases, prospecting permits and limited licenses may be issued to citizens of the United States over the age of 21 years, associations of such citizens, corporations organized under the laws of the United States or any State or Territory thereof, including a company or corporation operating a railroad or common carrier, and municipalities. A majority of the stock of such corporation shall at all times be owned and held by citizens of the United States.

(b) Every applicant for coal permit or lease must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 2,560 acres, not including areas held under a limited license which, under the act (48 U. S. C., sec. 445), is no bar to acquiring or holding a lease.

(c) Where the applicant is or operates a railroad or common carrier, it must make a statement that it operates main or branch lines in the Territory of

Alaska; that the coal or coal lands applied for through leases, applications therefor, and permits, do not exceed such area or quantity as may be required and used solely for its own use; and that the aggregate acreage, other than as set out in § 70.28, in leases and applications therefor and permits in which it is interested directly or indirectly does not exceed 2,560 acres.

(d) Every applicant for lease or permit must also furnish a showing as to the need for additional coal production which cannot otherwise be reasonably met, or, if such a showing of need cannot be made, a statement of the reasons why a lease or permit is desired.

§ 70.4 *Permits and leases for lands disposed of with reservation of coal.* Where lands included in a lease or permit have been disposed of with reservation of the coal deposits, a lessee or permittee must make full compliance with the law under which such reservation was made. See the act of March 8, 1922 (42 Stat. 416; 48 U. S. C., sec. 377); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U. S. C., Supp. III, 54), and other laws authorizing such reservations.

§ 70.5 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for coal lease or permit is within a withdrawal which does not preclude disposition of the coal deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a coal lease or permit. In cases where such agency recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, an appropriate stipulation will be included in the lease or permit.

§ 70.6 *Payments.* Unless otherwise directed by the Secretary, rentals, royalties and other payments under leases, permits and licensees issued under the act shall be paid to the manager of the land office for the land district in which the lands are situated. All remittances shall be made payable to the Treasurer of the United States.

COAL LEASE [1]

§ 70.7 *Leasing units.* (a) No coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be established either upon application or when it is deemed advisable that additional coal units be established.

(b) All material facts, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

(c) Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

§ 70.8 *Form of lease.* Leases shall be issued on Form 4–031a.[2]

§ 70.9 *Minimum expenditure and lease bond.* (a) An actual bona fide expenditure for mine operation, development, or improvement purposes on or for the benefit of the leased land, of the amount that may be determined will be a condition in each lease as the minimum basis on which it will be granted, with the requirement that not less than one-third of such expenditure shall be made during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

(b) Prior to the issuance of a lease, the lessee shall furnish a bond executed by the lessee with approved corporate surety on Form 4–1113 or the lessee's personal bond on Form 4–1114, in such sum as may be required but in no event less than $1,000, and conditioned upon compliance with all of the terms and provisions of the lease. Personal bonds must be accompanied by a deposit of securities such as specified in § 70.23. If the amount of the bond is fixed at $1,000, the lessees may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties to cover compliance with all terms and provisions of the lease or the applicable law or regulations. Each surety must execute a statement showing that he is worth in real property not exempt from execution double the sum specified in the undertaking, over and above his just debts and liabilities, and that he is either a resident of the same State or Territory and the United States Judicial District as the principal on the bond, or of the Territory and the Judicial District in which the lands involved are located. There must also be furnished a certificate by a judge or clerk of record, a United States Attorney, a United States Commissioner, or United States postmaster, as to the indemnity, signature and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on Form 4–215.

§ 70.10 *Minimum production; suspension of operations.* (a) Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless, on application and showing made, the Secretary of the Interior in the interest of conservation, or for other satisfactory cause, shall direct, or shall assent to the suspension of operations or production of coal as provided in section 19 of the act (48 U. S. C. 438a). The law provides that where suspensions are made the payment of rentals will be waived for the period of suspension and the lease term extended for a like period.

(b) If operations or production are suspended pursuant to section 19 of the act (48 U. S. C. sec. 438a), no payment of acreage rental prescribed in the lease is required during such period of suspension. Any such suspension if granted shall be effective beginning with the first day of the lease month following the date of filing of written application for such suspension in duplicate in the office of the regional mining supervisor, and ending with the first day of the lease month in which relief is terminated in writing by the Secretary of the Interior or the regional mining supervisor. Where rentals have been paid in advance, proper credit will be allowed on the next rental or royalty payment due under the lease. Complete information must be furnished showing the necessity for suspension of operation and production in the interest of conservation or other satisfactory cause for the suspension requested.

(c) The term of a lease shall be extended by adding thereto any period of suspension of operations or production assented to or directed by the Secretary of the Interior.

(d) The minimum annual production requirements of a lease shall be proportionately reduced for that portion of a lease year for which suspension of operations or production is directed or granted by the Secretary of the Interior in the interest of conservation or for other satisfactory cause.

§ 70.11 *Application for lease by competitive bidding.* (a) An application for a lease by competitive bidding must be filed in duplicate in the proper land office. No specific form is required, but the application should cover the following points:

(1) The applicant's name and address.

(2) A statement as to citizenship: In the case of an individual, whether native born or naturalized, and if naturalized, date of naturalization, court in which naturalized, and the number of certificate if known, and if a woman, whether married or single, and if married, the facts as to the citizenship of her husband and the date of her marriage if both are not native born citizens. Associations are required to file a certified copy of their articles of association and the same showing as to citizenship and holdings of their members as required of an individual and specified in this subparagraph. If the applicant is a corporation, it must file (i) a certified copy of the articles of incorporation or appropriate reference by land office serial number of the record of the Bureau in which such a copy has been filed, with statement as to any subsequent amendments,

[1] On request addressed to the Director of the Bureau of Land Management at Washington, D. C., a blank lease (Form 4–031a) will be furnished the applicant; also, those who desire may procure from the Superintendent of Documents, Government Printing Office, Washington, D. C., a folio containing photolithographic copies of the approved plats of the topographic and subdivisional township surveys of the Matanuska field (13 townships) for $1 and of the Bering River field (8 townships) for 75 cents.

[2] Filed as part of the original document.

(ii) a separate showing as to the citizenship and holdings of any stockholder owning or controlling at least 20 percent of the stock of the corporation, and (iii) a statement of the proportion of its stock owned or held by aliens. If a majority of the stock of a corporation is held by aliens, the application will be denied. A municipality must submit evidence of: (i) The law, charter and procedure taken by which it became and exists as a legal body corporate; (ii) that the taking of a permit or lease is authorized under such law or charter; and (iii) that the action proposed has been duly authorized by the governing body of such municipality.

(3) A statement that the interests, direct or indirect, in coal leases, permits or applications therefor in Alaska, do not exceed in the aggregate 2,560 acres, except as indicated in § 70.3 (b). Where the applicant is or operates a railroad or common carrier, it must state that the coal or coal lands applied for through leases, applications therefor, and permits, do not exceed such area or quantity as may be required and used solely for its own use.

(4) Description of the land for which the lease is desired, by legal subdivision if surveyed, and by metes and bounds if unsurveyed. In order to properly identify unsurveyed lands, if practicable, the metes and bounds description should be connected by course and distance with some corner of the public-land surveys and their position with reference to rivers, creeks, mountains or mountain peaks, towns, islands, or other prominent topographical points or natural objects or monuments should be given.

(5) The showing specified in § 70.3 (d).

(6) A statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities and the character and extent of the coal deposits so far as known.

(7) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(b) The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement [3] as to citizenship and acreage holdings. Application on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

§ 70.12 *Offer of lands or deposits for lease by competitive bidding.* If the lands or deposits are found to constitute an acceptable leasing unit and subject to coal lease, they will be offered for such lease on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bidding as provided by the notice of sale. If it be found that the area covered by an application does not constitute an acceptable leasing unit, the area may be adjusted, by appropriate additions and eliminations, to constitute an acceptable leasing unit which may be offered for lease.

§ 70.13 *Notice of lease offer.* Notice under the preceding section of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation, published in the Territory of Alaska. The notice will be published at the expense of the Government. Such notice will show the day, hour, and place of sale, whether the sale will be at public auction or by sealed bids, the method of submitting sealed bids, the rental and rate of royalty to be charged, the minimum investment and the minimum production requirement, and the description of the land. If the sale is by public auction the notice will also specify that sealed bids will be accepted. The right is reserved by the Director, Bureau of Land Management, in the public interest, to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. All bidders at any public sale of leases are warned against committing any act of intimidation, combination or unfair management to hinder or prevent bidding thereon, in violation of 18 U. S. C., 1860.

§ 70.14 *Sale; bidding requirements; action by successful bidder.* When the sale is by public auction, before bidding is commenced by those persons present, the manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of sale. The successful bidder must on the day of sale deposit with the manager of the land office or other officer conducting the sale and each sealed bid must be accompanied by the following: Certified check, money order, or cash, for one-fifth of the amount of bid and evidence of qualifications of the bidder as prescribed in § 70.11 (a) (2), (3) and (b), if a current showing in that regard has not been filed in connection with the application for lease of the lands or deposits. If the land is surveyed, the successful bidder will be allowed 30 days from receipt of lease forms within which (a) to file in the proper land office a lease, duly executed by him on form 4-031a and the bond required by § 70.9, and (b) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with requirements of paragraphs (a) and (b) in this section until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder fails to comply after due service of notice, that portion of his deposit representing the minimum required to be deposited with the bid shall be held as liquidated damages and disposed of as other receipts under the Alaska Coal Act.

§ 70.15 *Modification and leasing of additional land or coal deposits; consolidation of leases of small areas.* (a) Under section 4 of the act (48 U. S. C. Sec. 435), a lessee may obtain a further or new lease to include additional coal lands contiguous to those embraced in his original lease, but in no event shall the area embraced in the original and new lease exceed in the aggregate 2,560 acres, except where the rule of approximation applies. The lessee shall file his application for a new lease in duplicate in the proper land office describing the additional lands desired, the needs and reason for and the advantage to the lessee of such lease. Upon determination by the Director that the new lease is justified, the land or deposits may be offered as provided in § 70.13.

(b) Upon a satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within three years thereafter, an additional tract of land or coal deposit may be leased. An application should be filed in duplicate in the proper land office and should contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserves and for any lands requested, and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit, they will be offered for leasing as provided in § 70.13. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease which must not exceed 2,560 acres; otherwise, a separate lease may be issued.

(c) Under section 5 of the act (48 U. S. C., sec. 436), lessees holding under leases small blocks or areas may consolidate their leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands. The lessees should file their joint application for a new lease in duplicate in the proper land office describing the lands held in their respective leases and giving the serial numbers of such leases, and stating the reasons why they desire a consolidated lease. If the showing is deemed satisfactory to the Director, a consolidated lease will be issued.

(d) Before a new lease under paragraph (a) of this section, or a lease modified under paragraph (b) of this section, or a consolidated lease under paragraph (c) of this section is issued, the lessee or lessees shall file the consent of the surety or sureties and the acceptance by the lessee or lessees of the terms and conditions proposed.

§ 70.16 *Renewal of lease; readjustment of terms and conditions.* A lease is subject to renewal and its terms and conditions are subject to readjustment at the end of each fifty-year period (or such extended period as results from the grant of a suspension of operations or produc-

[3] 18 U. S. C. 1001 makes it a crime for any person knowingly and wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

tion) succeeding the date of the lease unless otherwise provided by law at the time of the expiration of such periods. In addition, the lessor may readjust and fix royalties payable under the lease at the end of each 20-year period of the lease. The lessee will be notified by the lessor of the proposed readjustments or notified that no readjustment is to be made. Unless the lessee files objection to the proposed terms or a relinquishment of the lease within 30 days after receipt of notice, he will be deemed to have agreed to such terms and, at the end of each 50-year period, to renewal of his lease. Notice of the proposed readjustments will be given, whenever feasible, before the expiration of each such twenty- or fifty-year period as the case may be.

§ 70.17 *Relinquishment of lease.* Upon payment of all rentals, royalties, and other debts due and payable to the lessor, upon payment of all wages or money due and payable to the workmen employed by the lessee, and upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease. The lessee may also surrender any legal subdivision of the are included within the lease, but in no case shall such lease be so terminated in whole or in part until and unless the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered thereby in accordance with the regulations and terms of the lease. A surrender must be made by a relinquishment filed in duplicate in the proper land office. A relinquishment upon its acceptance shall take effect as of the date it is filed.

§ 70.18 *Cancellation of lease.* If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease or at the effective date of any readjustment of the terms and conditions thereof under § 70.16, or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 14 of the act (48 U. S. C. sec. 449). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

§ 70.19 *Use of timber. The use of* timber found upon the public lands in Alaska, by the permittee and the lessee, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes in addition to that taken from the area in the permit or lease, may be obtained under the act of May 14, 1898 (30 Stat. 414; 48 U. S. C. sec. 423), as amended, or by arrangement with the Department of Agriculture, if the land is in a national forest.[4]

[4] See Part 79 of this chapter, Timber.

COAL PROSPECTING PERMITS

§ 70.20 *Character of lands.* Permits shall be issued on Form 4–031b[5] for a period of four years to qualified applicants to prospect unclaimed and undeveloped lands where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

§ 70.21 *Rights conferred.* A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary to determine the workability and commercial value of the coal deposits in the land.

§ 70.22 *Application for permit.* An application for a permit must be filed in duplicate in the manner and in the office specified in § 70.11 (a). Each application must be accompanied by a filing fee of $10.00 which will be retained as a service charge even though the application should be rejected or withdrawn either in whole or in part. No specific form of application is required, but in addition to the requirements of § 70.11 (a) (1), (2), (3), (4) and (5) and (b), it should cover the following points:

(a) Condition of coal occurrences, so far as determined; description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal.

(b) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

(c) Brief statement of applicant's experience in coal-mining operations, if any, together with one or more references as to his reputation and business standing.

§ 70.23 *Permit bond.* The applicant must furnish a corporate surety bond on Form 4–1130 or his personal bond on Form 4–1131 conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in the sum of $1,000 and where the lands applied for have been entered or patented with the coal reserved to the United States pursuant to the act of March 8, 1922 (42 Stat. 416; 48 U. S. C., sec. 377), the bond must be conditioned upon the payment of any damages caused to the crops or improvements thereon by reason of prospecting for coal thereon under the permit. Personal bonds must be accompanied by a deposit of negotiable Federal securities equal at their par value to the amount of the bond. The bond may be filed with the application which will expedite action thereon, or within 30 days after receipt of notice by the applicant, that the permit will be granted when the bond is filed. The permittee may, in place of a bond of the two types specified above, submit one on Form 4–1130 with two qualified sureties as provided in § 70.9 (b).

[5] Filed as part of the original document.

§ 70.24 *Reward for discovery.* A permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in compact form. An application for preference right lease must be filed in duplicate in the office specified in § 70.11 (a) promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be 25 cents for each acre, or fraction thereof. The lease, if issued, will be in accordance with the provisions of §§ 70.8 to 70.10, inclusive, and will be dated the first day of the month following the date the application is filed unless the applicant requests that it be dated the first day of the month within which it is filed. If the permit expires and the application for lease is finally rejected, royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

TRANSFERS OF PERMITS AND LEASES; OVERRIDING ROYALTIES

§ 70.25 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval at the office specified in § 70.11 (a) within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 70.11 (a), (2) and (3) and (b). If the instrument fails to describe the true consideration, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in duplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final

approval or if the transferee requests, the first day of the month of approval.

(b) The transferor of a permit or lease, including a sublease, and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval, the transferee, including sublessee, and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the transfer to the contrary. The account under the permit or lease must be in good standing before approval of a transfer will be given.

(c) An application for approval of any instrument or transfer of a lease or permit or interest therein or a filing of any such instrument must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the manager. Such fee will not be returned even though the application later be withdawn or rejected in whole or in part.

§ 70.26 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any over overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

LIMITED COAL LICENSES

§ 70.27 *Purpose of license.* Coal licenses may be issued, for the supply of strictly local and domestic needs for fuel, for a period of two years to any of the applicants having the qualifications specified in § 70.3 (a), without the payment of royalty for the coal mined or for the land occupied. All licensees may mine coal for sale, except a company or corporation operating a common carrier, which is restricted by section 3 of the act (48 U. S. C., sec. 434), to the requirement of only such an area or amount of coal as may be required and used solely for its own consumption. The holding of a lease is no bar to the acquisition of, holding or operating a limited coal license and the holding of a license is no bar to the acquisition or holding of a lease or interest therein. No such licenses, however, will be issued for coal lands in the Bering or Matanuska coal fields which have been surveyed into leasing blocks or tracts or in fields where mines are being operated under lease. A license grants the right to prospect for, mine, and remove coal free of charge from specified tracts of lands belonging to the United States in Alaska, and does not authorize the mining of any other form of mineral deposits, nor the cutting or removal of timber.

§ 70.28 *Area and duration.* A license will be limited to specified tracts not to exceed 10 acres in any one coal field. The ground covered by a license must be square in form and should be limited to an area reasonably sufficient to supply the quantity of coal needed. The act limits the license period to 10 years, but a license will expire by limitation at the end of 2 years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the 2-year period, subject to such conditions necessary for the protection of the public interest as may be imposed prior to or at the time of the extension. Misrepresentation, carelessness, waste, injury to the property, the charge of unreasonable prices for coal, or material violations of the rules and regulations governing operation as shall have been prescribed in advance of the issuance of a license, will be deemed sufficient cause for revocation.

§ 70.29 *Application for license.* (a) Application for a license to mine coal for local and domestic needs must be filed on Form 4–694a, or its substantial equivalent in the office specified in § 70.11 (a) and be accompanied by a $10 filing fee. A municipality must file with the application a showing of (1) the law or charter and procedure taken by which it became and exists as a legal body corporate, (2) that the taking of a license is authorized under such law or charter and (3) that the proposed action has been duly authorized by the governing body of the municipality.

(b) Prior to the execution of the application, the applicant must have gone upon the land, plainly marked the boundaries thereof by substantial monuments, and posted a notice setting forth his intention of mining coal therefrom. The application must contain the statement that these requirements have been complied with and the description of the land as given in the application must correspond with the description as marked on the ground. The license, if granted, should be recorded with the local mining district recorder, if the land is situated within an organized mining district.

(c) Applicants are allowed, due to the long distances and limited means of transportation, the privilege of mining coal as soon as their applications have been forwarded to the office specified in § 70.11 (a). If the application should be rejected, upon receipt of notice of such rejection, all privileges under this section terminate and the applicant must cease mining the coal.

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1952.

[F. R. Doc. 52–10202; Filed, Sept. 18, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 36—ALASKA REGION

SUBPART—KENAI NATIONAL MOOSE RANGE, ALASKA

Basis and purpose. The following regulations are basically explanatory and also modify existing general restrictions to be specifically applicable to public use allowed on the Kenai National Moose Range, Alaska.

Inasmuch as these regulations are informative, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the following subpart and sections are added:

GENERAL REGULATIONS

Sec.
36.41 Entry.
36.42 Temporary use.
36.43 Hunting, fishing, and trapping.
36.44 Economic uses.
36.45 Cabins and structures.
36.46 Hunting camp sites.
36.47 Tent sites.
36.48 Public use area.
36.49 Fires.
36.50 Guided party camps.
36.51 Mining and prospecting.
36.52 Airplane landing fields.
36.53 Permit applications.
36.54 Revocation of permits.

AUTHORITY: §§ 36.41 to 36.54, issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 36.41 *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations in Parts 18 and 21 of this chapter and by §§ 36.42 to 36.54, inclusive, and strict compliance therewith is required.

§ 36.42 *Temporary use.* Any person without a permit may go on any part of this refuge (a) for temporary use for camp site purposes, (b) for recreational purposes, the taking of photographs, nature study or scientific study, and (c) for any other temporary or transient uses not inconsistent with the purposes for which the refuge was established and not in conflict with the provisions of §§ 36.41 to 36.53, inclusive, or other applicable laws and regulations, including those of the Territory.

§ 36.43 *Hunting, fishing, and trapping.* Any person may hunt, trap, or take game fish on the Kenal National Moose Range, provided such person complies with the provisions of the Alaska Game Law and regulations issued pursuant thereto and has on his person and exhibits at the request of any authorized Federal or Territorial officer whatever license or licenses may be required by such law or by Territorial law or regulations, which license shall serve as a Federal permit for such activity.

§ 36.44 *Economic uses.* When such operations will not endanger the purpose for which the refuge was established, the Regional Director or the Refuge Manager may grant revocable per-

mits for the removal of timber, firewood, or other spontaneous products of the soil, including sand, shell, gravel, and stone, or for other privileges and uses of the refuge under such terms and conditions and at such rates of charge as the Director may determine to be in the public interest.

§ 36.45 *Cabins and structures.* (a) The Regional Director may grant revocable permits in accordance with § 36.44 for the erection or maintenance of cabins or other structures of a permanent or semipermanent nature after a full consideration of all the facts and equities. The benefits of such a permit shall inure only to the person or persons owning such building or structure at the time of the granting of the original permission, and such right and interest shall not be transferable.

(b) The Regional Director may refuse to grant a permit for the use and maintenance of any cabins or other structure whenever such action, in his discretion, is in the public interest. Whenever the Regional Director determines that the public interest will be served by refusing to grant a permit authorizing the continued occupancy or maintenance of any cabin or structure erected prior to the effective date of this subpart, such cabin or structure shall be deemed to be in trespass.

§ 36.46 *Hunting camp sites.* Revocable permits may be granted under § 36.44 for the use of sites within an area adjoining Chickaloon Bay designated by the Refuge Manager for the maintenance of duck hunting camps by organizations and individuals. No permits will be issued for commercial lodges.

§ 36.47 *Tent sites.* Temporary tent camps for private use (as distinguished from commercial or guided operations) are allowed without formal permit, provided that no site may be occupied for more than 60 days, and all installations and facilities shall be removed from the site at the conclusion of the occupancy.

§ 36.48 *Public use area.* The exercise of any privileges under the terms of any permit issued pursuant to the provisions of §§ 36.44 to 36.47 shall be subject at all times to the right of the public to enter upon, cross, and otherwise use seasonally in connection with commercial fishing operations such of the lands described in the permit as lie within 100 yards of the high-water mark of Cook Inlet.

§ 36.49 *Fires.* (a) The following acts in regard to fires are prohibited on the refuge:

(1) Setting on fire or causing to be set on fire any timber, brush, grass, or other soil cover, except as authorized by or on areas designated by the Refuge Manager.

(2) Building a camp fire in a dangerous place or during windy weather without confining it to holes or cleared spaces from which all vegetable matter has been removed.

(3) Leaving a camp fire without completely extinguishing it.

(b) Provisions of the Territorial Fire Control Act, Sec. 65–5, ACLA 1949, shall apply to the refuge.

(c) Certain areas of high hazard on the refuge may be closed to public entry during periods of high fire danger, by suitable posting by the Refuge Manager.

§ 36.50 *Guided party camps.* (a) A permit issued without charge by the Refuge Manager shall be required of all guides or transportation agents serving parties or individuals on the Range, whether on a commercial or noncommercial basis. The Refuge Manager may specify the area or areas within which guide or transportation services may be furnished and the period during which such services may be provided as authorized under such permit.

(b) No such permit shall be issued for nor shall any individual or party served by a guide or transportation agent enter or use the following areas:

(1) Kenai River between Skilak Lake and a point approximately 4 miles downstream, and on the Kenai River from Skilak Lake upstream to the Moose Range boundary.

(2) Skilak Lake.

(3) Hidden Lake.

(4) Russian River.

(5) Upper and Lower Russian Lakes.

§ 36.51 *Mining and prospecting.* Entry on the refuge for the purpose of prospecting or mining is prohibited except on valid mining locations predating the Executive Order establishing the refuge (December 16, 1941).

§ 36.52 *Airplane landing fields.* The construction of airplane landing fields or the alteration or improvement of the terrain in any manner which would result in the creation of landing areas other than those available in the natural condition is prohibited on the refuge.

§ 36.53 *Permit applications.* Applications for permits covering any of the above permitted uses should be addressed to the Regional Director, Fish and Wildlife Service, Juneau, Alaska, or to the Refuge Manager, Fish and Wildlife Service, Kenai, Alaska.

§ 36.54 *Revocation of permits.* Any permit issued under this subpart may be revoked by the issuing officer for noncompliance with the terms thereof, for nonuse, or for violation of any law or regulation applicable to the refuge or of any Territorial or Federal law or regulation protecting game, fish, or other wildlife, and it is subject at all times to discretionary revocation by the Director of the Service.

Dated: September 12, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52–10201; Filed, Sept. 18, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN DICED CARROTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Diced Carrots, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.218 *Frozen diced carrots.* Frozen diced carrots is the clean and sound product prepared from the root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(b) *Grades of frozen diced carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen diced carrots that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen diced carrots possess the typical color of frozen carrots and such color may be slightly dull but not off color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(ii) If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished by internal or external discoloration, sunburn or green colored units, pathological injury or insect injury, and units blemished by other means.

(*a*) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, or damaged by other means.

(*b*) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter.

(*c*) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(*d*) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof or 5 percent, by weight, of all the units may consist of blemished units and seriously blemished units and of such 5 percent not more than $\frac{1}{8}$ thereof or ½ of 1 percent, by weight, of all the units may be seriously blemished: *Provided,* That the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units and of such 16 percent not more than ½ thereof or 8 percent, by weight, of all the units may consist of blemished units and seriously blemished units and of such 8 percent not more than ¼ thereof or 2 percent, by weight, of all the units may be seriously blemished: *Provided,* That the presence of blemished and seriously blemished units does not materially affect the appearance or eating quality of the product.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse or fibrous units.

(i) Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a uniform character.

(ii) If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in character but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially

drawn and which represent a specific lot of frozen diced carrots the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen diced carrots.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Style		
Factors	**Score points**	
I. Color	25	(A) 21–25; (B) [1] 18–20; (SStd.) [1] 0–17
II. Uniformity of size and shape	15	(A) 12–15; (B) [1] 8–11; (SStd.) [1] 0–7
III. Absence of defects	30	(A) 26–30; (B) [1] 22–25; (SStd.) [1] 0–21
IV. Texture	30	(A) 26–30; (B) [1] 22–25; (SStd.) [1] 0–21
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10250; Filed Sept. 18, 1952; 8:57 a. m.]

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1952

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9, regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if the tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to provisions of said agreement and order, a budget of $49,000 has been recommended by the Almond Control Board, the administrative agency under said agreement and order. Approximately 55 percent of the proposed amount of the budget is composed of salaries, and most of the remainder is for board meetings, travel, rent, office supplies and equipment, services, and unappropriated reserve. The recommendation appears to be reasonable.

It is expected that almonds received by handlers for their own accounts (the quantity on which assessments will apply) during the crop year beginning July 1, 1952, will approximate 37,000,000 pounds of edible kernels. The agreement and order established an assessment rate of two-tenths of a cent per pound. The application of this rate would provide an amount considerably in excess of the proposed budget. A rate of fifteen one-hundredths of a cent (0.15 cent) per pound would result in collection of sufficient funds to meet the budget. The agreement and order provides that funds collected in excess of expenditures within the authorized budget shall be refunded pro rata to handlers from whom the assessments were collected. It is therefore proposed to fix the assessment rate at fifteen-hundredths of a cent (0.15 cent) per pound.

Therefore, the proposed rule is as follows:

§ 909.302 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1952*—(a) *Budget of expenses.* For the crop year beginning July 1, 1952, expenses in the amount of $49,000 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1952, shall be, in lieu of the assessment rate specified in § 909.121 of said agreement and order, fifteen one-hundredths of a cent (0.15 cent) for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Issued at Washington, D. C., this 16th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 52-10246; Filed, Sept. 18, 1952, 8:55 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR 1952–53 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish a salable percentage of 100 and a surplus percentage of zero in connection with dried prunes which are produced in California during the 1952–53 crop year. These percentages were recommended by the Prune Administrative Committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 993.203 *Dried prune salable tonnage and surplus tonnage regulation for the 1952–53 crop year.* (a) The salable percentage of dried prunes produced in California for the crop year beginning August 1, 1952, and ending July 31, 1953, shall be 100 percent, and the surplus percentage of such dried prunes for said crop year shall be zero percent.

(b) A salable percentage of 75 percent and surplus percentage of 25 percent were established for the 1951–52 crop year. Among the factors tending to support the presently proposed rule are: (1) A substantially smaller carrying of dried prunes at August 1, 1952, than that of a year earlier; (2) a smaller prospective production of dried prunes in California in 1952 than that in 1951; (3) anticipated consumer purchasing power for 1952–53 at least equal to that of 1951–52; and (4) in spite of the foregoing factors, there is expected to be a moderate surplus consisting of substandard dried prunes during the 1952–53 crop year. The surplus for the 1952–53 crop year is not expected to exceed the quantity of substandard prunes estimated to be contained in the current year's pro-

duction. Under the provisions of the aforesaid marketing agreement and order, substandard prunes are set aside and pooled as surplus when the surplus percentage is established as zero. The surplus substandard prunes may be sold for animal feed and for manufacturing purposes. Any of such prunes as are used for manufacturing purposes for human consumption must meet prescribed minimum standards of quality. It does not appear from data currently available that average returns to California producers of 1952 crop prunes will exceed the price level specified in section 2 (1) of the act.

Issued at Washington, D. C., this 16th day of September 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10247; Filed, Sept. 18, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

SIMON VUKAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Simon Vukas, 865 First Avenue, New York, New York, Claim No. 58549, Vesting Order No. 12324; $10,303.15 in the Treasury of the United States.

Executed at Washington, D. C., September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10240; Filed, Sept. 18, 1952; 8:54 a. m.]

GIUSEPPE DINO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Giuseppe Dino, Petralia Sottano, Province of Palermo, Italy, Claim No. 35872; $964.61 in the Treasury of the United States.

Executed at Washington, D. C., on September 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10241; Filed, Sept. 18, 1952; 8:54 a. m.]

ANNA LOUISE TROWITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Anna Louise Trowitz, Hallerstrasse 9, Hamburg, Germany, Claim No. 42128, $10,367.76 in the Treasury of the United States.

Executed at Washington, D. C., September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10242; Filed, Sept. 18, 1952; 8:54 a. m.]

THEODORE GREISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or afer 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Theodore Greisch, Niederanven, Luxembourg; Claim No. 31607; $1,876.65 in the Treasury of the United States.

Executed at Washington, D. C., on September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10243; Filed, Sept. 18, 1952; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[FCA Order No. 559]

DEPUTY INTERMEDIATE CREDIT COMMISSIONER AND ASSISTANT INTERMEDIATE CREDIT COMMISSIONER

DELEGATION OF AUTHORITY TO EXECUTE AND PERFORM CERTAIN DUTIES AND FUNCTIONS

SEPTEMBER 10, 1952.

1. Martin H. Uelsmann, Deputy Intermediate Credit Commissioner, is hereby designated as Acting Intermediate Credit Commissioner for the period during which the office of Intermediate Credit Commissioner is vacant, and during such period he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner, including, but not limited to, all duties of the said Commissioner in respect to the preparation and issuance of consolidated debentures of the Federal intermediate credit banks.

2. Walter F. Patterson, Assistant Intermediate Credit Commissioner, is hereby designated as Acting Deputy Intermediate Credit Commissioner for the period during which the office of Intermediate Credit Commissioner is vacant, and during such period he is hereby authorized to execute and perform all functions, powers, and duties pertaining to the office of Deputy Intermediate Credit Commissioner, including, but not limited to, all duties of the Deputy Intermediate Credit Commissioner in respect to the preparation and issuance of consolidated debentures of the Federal intermediate credit banks.

3. This order shall be and become effective on the date hereof.

4. Farm Credit Administration Order No. 504, dated September 30, 1949 (14 F. R. 6119), is modified accordingly.

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 52-10245; Filed, Sept. 18, 1952; 8:55 a. m.]

Office of the Secretary

MASSACHUSETTS AND NEW YORK

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to authority contained in Public Law 760, 81st Congress, the County of Worcester in Massachusetts and the

County of Franklin in New York are hereby designated as areas in which mineral interests covered by a single application are to be sold for their fair market value, and accordingly, Schedule A entitled "Fair Market Value Areas," accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), is amended by adding such areas in alphabetical order.

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 17th day of September, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10320; Filed, Sept. 18, 1952; 11:20 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5658]

U. S. AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the U. S. Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on September 18, 1952, is hereby indefinitely postponed.

Dated at Washington, D. C., September 16, 1952.

By the Civil Aeronautics Board.
[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10244; Filed, Sept. 18, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF GAS PLANT ADJUSTMENT

SEPTEMBER 15, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, approving and directing disposition of amount classified in Account 107, gas plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10232; Filed, Sept. 18, 1952; 8:53 a. m.]

[Docket No. E-6455]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 11, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 (a) of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of $1,500,000 principal amount of a new series of First Mortgage Bonds to be dated as of October 1, 1952 and to be due on October 1, 1982, and the issuance of 26,775 shares of Common Stock, par value $15 per share. The new bonds are to be sold, through negotiation, to private institutions. The Common Stock is to be offered pro rata to the Preferred and Common Stockholders of the Company, on the basis of one share for each six shares of Preferred Stock, and one share for each twelve shares of Common Stock. Applicant has previously been authorized by the Commission to negotiate for the private sale of the new bonds and proposes to amend its application to set forth the results of such negotiation and to apply for exemption from the competitive bidding requirements of the Commission's Rules covering the issuance of the new bonds; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 1st day of October, 1952, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10225; Filed, Sept. 18, 1952; 8:51 a. m.]

[Docket Nos. G-1903, G-2042]

LOPENO GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 5, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application in Docket No. G-2042, for an order pursuant to section 7 (b) of the Natural Gas Act authorizing the abandonment of a portion of its facilities and in Docket No. G-1903, for amendment of a Presidential Permit granted on July 18, 1952, pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, operation, maintenance, and connection of facilities for the importation of natural gas into the United States from Mexico.

Applicant proposes to abandon two parallel 8-inch pipelines supported from the International Bridge between the United States and Mexico, at Roma, Texas, and to remove said pipelines from said bridge, for the reason that an existing 10-inch by-pass pipeline connecting with an 8-inch pipeline in the river bed of the Rio Grande is deemed to have sufficient capacity to transport the present and prospective gas load of approximately 500 Mcf per month required for the service proposed to be rendered by Applicant. Applicant states that two 8-inch pipelines connecting with the lines proposed to be removed, and owned by Compania Mexicana de Gas, S. A., are to be discontinued and removed by the latter company, and that the Starr County Bridge Company has requested Applicant to discontinue and remove its lines from the International Bridge.

On August 4, 1952, the Commission issued its findings and order in Docket No. G-1977, issuing a certificate of public convenience and necessity, authorizing the operation of certain river crossing facilities for the importation of natural gas, including the two 8-inch pipelines, hereinbefore described. On July 18, 1952, a Presidential Permit authorizing the construction, operation, maintenance, and connection of facilities at the border of the United States and Mexico for the importation of natural gas from Mexico, as requested in Docket No. G-1903, was signed by the President and was later accepted by Applicant. The facilities therein authorized included the two 8-inch pipelines now proposed to be abandoned by Applicant. Applicant requests authorization to abandon said facilities and an amendment of said Presidential Permit to eliminate therefrom the description of said facilities in order to permit their discontinuance and removal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10226; Filed, Sept. 18, 1952; 8:51 a. m.]

[Docket No. G-1992]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 15, 1952.

Notice is hereby given that on September 10, 1952, the Federal Power Commission issued its order entered September 9, 1952, in the above-entitled matter, permitting and approving abandonment of the facilities of Mississippi Gas Company by sale and assignment of lease to Mississippi Valley Gas Company, and issuing certificate of public convenience and necessity to Mississippi Valley Gas Company, Docket No. G-1992.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10229; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. G-2029]

PANHANDLE EASTERN PIPELINE CO.

NOTICE OF ORDER DENYING REQUEST FOR DECLARATORY ORDER

SEPTEMBER 15, 1952.

Notice is hereby given that on September 12, 1952, the Federal Power Commission issued its order entered Septem-

ber 11, 1952, denying request for a declaratory order in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10230; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. G-2041]

FREDERICKSBURG NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 5, 1952, Fredericksburg Natural Gas Company (Applicant), a Virginia corporation, having its principal place of business in Fredericksburg, Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the following-described facilities:

1. Approximately 28½ miles of 4½" O. D. pipeline;
2. Approximately 0.72 miles of 3½" O. D. pipeline;
3. Four meter and regulating stations.

The above facilities will be used for the transportation of natural gas from a point on the existing natural-gas pipeline of Transcontinental Gas Pipe Line Corporation a distance of approximately 28½ miles through Culpeper, Orange, Spotsylvania, and Stafford Counties, Virginia, to the city of Fredericksburg, Virginia. Applicant will distribute the gas so transported in the city of Fredericksburg and environs.

Applicant estimates that its peak-day and annual requirements for each of the first five years of its operation will be as follows:

	First year	Second year	Third year	Fourth year	Fifth year
	Mcf.	*Mcf.*	*Mcf.*	*Mcf.*	*Mcf.*
Peak-day volumes	1,718	2,234	2,877	3,268	5,361
Annual volume	498,299	664,845	851,022	985,684	1,070,618

Applicant estimates that the total capital cost of its proposed project is $746,690, inclusive of $316,730 representing costs related to the acquisition, modification, and extension of the existing municipally owned manufactured gas distribution in the city of Fredericksburg.

Applicant proposes to finance the cost of its proposed project by the issuance and sale of Applicant's debt and equity securities.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of October 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10227; Filed, Sept. 18, 1952; 8:52 a. m.]

[Project No. 2097]

NAMEKAGON HYDRO CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 12, 1952.

Notice is hereby given that the hearing, in the above-designated matter, now scheduled to resume on October 14, 1952, is hereby continued to November 12, 1952, at 10:00 a. m.; in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10228; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. ID-1178]

FLOYD W. WOODCOCK

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 15, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10231; Filed, Sept. 18, 1952; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-444]

TOBACCO SMOKING PIPE AND CIGAR AND CIGARETTE HOLDER INDUSTRIES

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Tobacco Smoking Pipe and Cigar and Cigarette Holder Industries in the Statler Hotel, New York City, on October 10, 1952, commencing at 10:00 a. m., e. s. t.

All persons, firms, and corporations engaged in the production, distribution, or marketing of tobacco smoking pipes, or of cigar or cigarette holders, are considered members of said industries and are cordially invited to attend and participate in this conference.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for these industries under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: Sept. 16, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10253; Filed, Sept. 18, 1952; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WINIFRED ROSE GALBRAITH

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Winifred Rose Galbraith, The Barclay, 18th & Rittenhouse Square, Philadelphia 3, Pa.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September 1952.

I. The Commission's public official files disclose that Winifred Rose Galbraith, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1948, 1949, 1950, and 1951, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set

[1] Filed as part of the original document.

forth in Paragraph IV hereof on the 15th day of October 1952 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 10, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 15, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10206; Filed, Sept. 18, 1952; 8:48 a. m.]

[File No. 70-2914]

OHIO EDISON CO.

NOTICE OF FILING WITH RESPECT TO PROPOSED EXCHANGE OF UTILITY ASSETS

SEPTEMBER 15, 1952.

Notice is hereby given that an application-declaration, with amendments thereto, has been filed with this Commission by Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company. Applicant-declarant has designated sections 9, 10 and 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Ohio Edison proposes to acquire from Columbus and Southern Ohio Electric Company ("Columbus and Southern"), a non-affiliated public utility company, certain electric distribution and related facilities, serving approximately 1,500 retail customers, located in Madison, Franklin, Fayette and Union Counties, Ohio. The properties to be conveyed by Columbus and Southern have an estimated gross original cost of approximately $526,000 and an estimated applicable reserve for depreciation of approximately $89,000, which amounts Ohio Edison proposes to record on its books.

In exchange for such properties, Ohio Edison proposes to transfer to Columbus and Southern certain electric distribution and related facilities, serving approximately 1,300 retail customers, located in Delaware and Franklin Counties, Ohio. A determination of the original cost of these properties, among others, is being made but is not yet completed.

As part of the exchange, Ohio Edison will receive from Columbus and Southern a cash adjustment of approximately $28,200 to reflect the slightly higher value, based on revenues, attributable to the properties to be conveyed by Ohio Edison.

It is stated that the proposed transactions by integrating the properties with closer sources of supply will result in operating economies.

The filing indicates that the transactions proposed by Ohio Edison and Columbus and Southern are subject to the approval of the Public Utilities Commission of Ohio. It is represented that the accounting entries with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the Uniform System of Accounts of the Federal Power Commission, which system of accounts requires that within six months from the date of acquisition, or disposition of properties the proposed journal entries giving effect to the transactions and reflecting the original cost of the properties must be submitted to that Commission for approval. The filing further indicates that when the original cost and accrued depreciation of the properties proposed to be acquired and disposed of is finally determined, Ohio Edison will eliminate any amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, with a contra entry to earned surplus.

It is estimated that the expenses to be incurred by Ohio Edison in connection with the proposed transactions will aggregate $6,200, consisting of $1,200 to Commonwealth Services, Inc.; $3,000 to J. S. Hartt, independent engineer; $1,500 to Winthrop, Stimson, Putnam & Roberts, counsel for the company, and $500 for miscellaneous expenses. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than September 29, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1952, said application-declaration, as amended, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10204; Filed, Sept. 18, 1952; 8:47 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

ORDER CONCERNING SALE OF BONDS AND OF SERIAL NOTES SUBJECT TO RESERVATIONS

SEPTEMBER 15, 1952.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-42 and Rule U-50 thereunder with respect to the following proposed transactions:

Appalachian proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $17,000,000 principal amount of its First Mortgage Bonds ____ percent Series due 1982, and $6,000,000 aggregate principal amount of its ___ percent Serial Notes due 1956-67.

The First Mortgage Bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated as of December 1, 1940, as supplemented, and as to be supplemented by four supplemental indentures.

The Serial Notes due 1956-67 will mature annually in the amounts of $250,000 in each of the years 1956 to 1960, inclusive; $500,000 in each of the years 1961 and 1962, and $750,000 in each of the years 1963 to 1967, inclusive.

The proceeds from the sale of securities are to be used in part for prepayment of notes payable to banks which, it is contemplated, will be outstanding in the amount of $14,000,000 at the time of the issuance and sale of the securities. The balance of the proceeds to be realized will be applied to extensions, additions and improvements to Appalachian's properties.

Said application having been filed on August 27, 1952, an amendment thereto having been filed on September 11, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the

time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of the securities are for the purpose of financing the business of Appalachian as a public utility company, the Commission also finding that the proposed transactions have been specifically authorized by the State Corporation Commission of Virginia, the State Commission of the State in which Appalachian was organized and one of the States in which it does business, and by the Tennessee Railroad and Public Utilities Commission, the State Commission of another of the States in which Appalachian does business, the Commission observing that it is unnecessary to determine whether the proposed transactions constitute an application under section 6 (b) or a declaration under section 7 since the Commission finds that it is appropriate to grant such application or permit such declaration to become effective without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application or declaration be, and the same hereby is, granted or permitted to become effective forthwith, subject to the following conditions:

1. That the proposed sale of securities shall not be consummated until a further order shall have been entered by the Commission herein in the light of the record as further developed setting forth the results of competitive bidding under Rule U-50;

2. That jurisdiction be, and the same hereby is, reserved with respect to the fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10203; Filed, Sept. 18, 1952; 8:47 a. m.]

[File No. 70-2929]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING AND ORDER FOR HEARING CONCERNING SALE BY RIGHTS OF COMMON STOCK OF UNITED GAS CORPORATION

SEPTEMBER 15, 1952.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Bond and Share proposes to offer to its stockholders 525,000 shares of the common stock of United Gas Corporation ("United") held by Bond and Share, on the basis of one share of United stock for each ten shares of Bond and Share stock held, at a price to be determined by the board of directors of Bond and Share immediately prior to the commencement of the offering period and as of a record date to be determined. The proposed rights will be evidenced by fully transferable warrants. Bond and Share does not propose to accept subscriptions for fractional shares, but will provide facilities for the purchase and sale of rights in order that Bond and Share's stockholders who so elect may either acquire such additional rights as are necessary to enable them to subscribe for full shares of United stock, or sell such rights as are not required for subscription to such shares.

The application-declaration states that the warrants will be exercisable for a period of at least fourteen days, beginning on the day following the date of completion of the mailing of warrants to Bond and Share's stockholders.

It is further stated that, in the event that United shall declare a dividend payable to its stockholders of record as of a date which is within the rights offering period, the right of any record holder to receive such a dividend will not be affected by the offering of this stock, except that a person exercising warrants will be deemed to be a holder of record of the shares covered by such warrants on the date when the subscription agent shall have received such warrants in proper form for exercise and New York funds sufficient to pay the purchase price.

It is further stated that, provided that not less than 85 percent of the United common stock being offered shall have been subscribed for at the conclusion of the offering period, the holders of Bond and Share's stock who have not exercised or sold their warrants will be paid cash amounts representing the value of their warrants (based on the final average price received by the subscription agent in connection with the sale of rights on the closing date of the offering period) less allowances for such expenses as would be incurred in the sale of shares represented by such warrants, or that in the alternative, Bond and Share may instruct the subscription agent to sell, as of the last day of the offering period, rights equivalent to the warrants for such unsubscribed for shares of United stock, and to remit the net proceeds to stockholders who did not exercise or sell their warrants.

On February 6, 1952, the Commission issued its Findings and Opinion and Order directing Bond and Share to dispose of the 3,165,781 shares (27 percent) of the common stock of United held by Bond and Share. Bond and Share filed a Petition for Review of this Order in the United States Court of Appeals, District of Columbia Circuit, which appeal is presently pending. In the meantime, Bond and Share has filed a plan under section 11 (e) of the act proposing, among other things, the disposition of not less than 2,598,750 shares of the common stock of United through sales by rights, a capital distribution, and dividend distributions during the years 1952 through 1955. That plan proposes that the rights offerings of the United stock be at a discount of 25 percent below the market price at the time of such offerings, the first of such rights offerings being scheduled for the year 1952 in the amount of 525,000 shares. The present application-declaration does not set forth the discount at which the United stock is to be offered, and constitutes a withdrawal from the plan of the rights offering scheduled for the year 1952. The withdrawal of these shares from the plan is stated to be in accordance with the provision therein which allows Bond and Share to separately consummate certain parts of the plan or to take certain transactions out of the plan at any time prior to its approval by the Commission.

Bond and Share states that it is important to consummate the rights offering of the United stock as proposed in the year 1952 in order to avail itself of tax benefits which expire at the end of this year. The application-declaration states that a substantial tax loss carry-over of Bond and Share will expire at the end of 1952, and that if the rights offering is not accomplished this year, there will be a capital gain of several million dollars which could not be set off against the present capital loss carry-over, with the result that Bond and Share might be required to pay a considerable capital gains tax upon the disposition of the 525,000 shares of the United stock.

The Commission considering that the application-declaration raises issues that should not be resolved prior to affording notice and opportunity for hearing with respect thereto; and

It also appearing that evidence heretofore taken in connection with the plan proceedings of Bond and Share (File No. 54-127) may be pertinent to the issues to be considered herein:

It is hereby ordered, That hearings in the above entitled matter be convened on September 30, 1952, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before September 26, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice:

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That at such hearing the record heretofore made in the proceedings on Bond and Share's plan (File No. 54-127) be incorporated by reference herein to the extent pertinent to the issues herein set forth.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether it is appropriate that the proposed transactions be withdrawn from the plan of Bond and Share;

2. Whether the proposed transactions are in accordance with the applicable standards of the act;

3. Whether the disposition of the United stock as proposed is in accordance with the order of the Commission of February 6, 1952;

4. Whether the terms of the rights offering are fair to the stockholders of Bond and Share;

5. Whether, in the event the transactions are carried out, any terms or conditions should be imposed in connection therewith or in connection with the use of the proceeds to be realized from the sale.

It is further ordered, That at the hearing to be held particular attention be directed to the foregoing matters and issues.

It is further ordered, That a copy of this notice and order be served upon Bond and Share, United, and those persons who have been granted leave to participate in the Bond and Share plan proceedings (File No. 54-127), and that notice be given to all other persons by general release of this Commission, which shall be distributed to the press, and to the mailing list for releases under the Public Utility Holding Company Act of 1935, and by publication of this Order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10205; Filed, Sept. 18, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27393]

ANHYDROUS AMMONIA FROM POINTS IN ARKANSAS, TEXAS, KANSAS, AND LOUISIANA TO NEW ALBANY AND JEFFERSONVILLE, IND.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Military, Kans., Lake Charles, West Lake Charles, and Sterlington, La.

To: New Albany and Jeffersonville, Ind.

Grounds for relief: Rail competition, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10207; Filed, Sept. 18, 1952; 8:48 a. m.]

[4th Sec. Application 27394]

PREFABRICATED HOUSES FROM COLLINS AND LAUREL, MISS., AND FORT PAYNE, ALA., TO OHIO AND MICHIGAN

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Houses or garages, wooden, portable or prefabricated, carloads.

From: Collins and Laurel, Miss., and Fort Payne, Ala.

To: Points in Ohio and Michigan.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10208; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27395]

ANHYDROUS AMMONIA FROM ARKANSAS, LOUISIANA, TEXAS, AND KANSAS TO NEW ALBANY AND JEFFERSONVILLE, IND.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Military, Kans., Lake Charles, West Lake Charles, and Sterlington, La.

To: New Albany and Jeffersonville, Ind.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10209; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27396]

SCRAP PAPER FROM ELIZABETH, LA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3992.

Commodities involved: Scrap and waste paper, carloads.

From: Elizabeth, La.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to

apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3992, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10210; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27397]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the New England Motor Freight, Inc.

Commodities involved: All freight, carloads.

Between: Boston, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10211; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27398]

CINDERS, CLAY OR SHALE, BETWEEN POINTS IN KANSAS AND MISSOURI AND POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Cinders, clay or shale, carloads.

Between: Points in Kansas and Missouri, on the one hand, and points in the Southwest, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 201.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10212; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27399]

GYPSUM LATH FROM POINTS IN TEXAS AND OKLAHOMA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4026.

Commodities involved: Gypsum lath, carloads.

From: Acme, Celotex, Rotan, and Sweetwater, Tex., and Southard, Okla.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4026.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10213; Filed, Sept. 18, 1952; 8:50 a. m.]